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Ontario

ENVIRONMENTAL ASSESSMENT BOARD

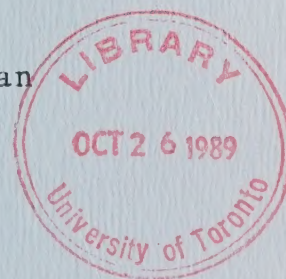
VOLUME: 150

DATE: Thursday, October 19th, 1989

BEFORE: M.I. Jeffery, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Thursday, October 19th,
1989, commencing at 8:30 a.m.

VOLUME 150

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

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MS. K. MURPHY)	RESOURCES
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MR. B. CAMPBELL)	
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MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT
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MR. J.F. CASTRILLI)	
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MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

Witness:

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<u>JOHN McNICOL,</u>	
<u>FRANK D. KENNEDY,</u>	
<u>J. JOSEPH CHURCHER,</u>	
<u>RICHARD WILLIAM GROVES,</u>	
<u>HARTLEY MULTAMAKI,</u>	
<u>ALBERT BISSCHOP,</u>	
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I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
903A	Document entitled: Fourth Symposium on Environmental Concerns in Rights-of-Way Management held October 25-28, 1987 by Byrnes and Holt.	25764
903B	Document entitled: Southwestern Ontario Transmission II: Integration of Unique Study Areas Within A Planning Process by Scott and Bancroft-Wilson.	25764
903C	Document entitled; Southwestern Ontario Transmission III: Decision Making Techniques in Complex Route And System Selection Studies by Hoglund and Buck.	25764
904	Article entitled: Forest Investment, A Critical Look, authored by Michael A. Opper.	25845
905	Allocation and Roads Map, Base Map 511934.	25890
906	Document entitled: Evaluation of Moose and Woodland Caribou Habitat and Forest Operations in Wildlife Management Unit 3 by Charles Todesco dated February, 1989.	25902

1 ---On commencing at 8:30 a.m.

2 THE CHAIRMAN: Good morning, ladies and
3 gentlemen. Be seated, please.

4 Mr. Hanna?

5 MR. HANNA: Good morning.

6 Mr. Chairman, Dr. Quinney and I spent
7 considerable time last night trying to take under
8 advisement the comments the Board made and we have made
9 fairly extensive changes to the remainder of the
10 cross-examination to try to address the concerns the
11 Board raised yesterday evening.

12 A result of that I believe it's possible
13 I may finish today. And I wish just to bring that to
14 the Board's attention that I think at this time, based
15 upon how we went yesterday, it's quite possible that I
16 will finish today.

17 THE CHAIRMAN: Well, the Board certainly
18 wants to express its appreciation.

19 This is what we would like all counsel to
20 do in the future, is to review their intended
21 cross-examinations or other examinations and spend as
22 much time as they have to in order to condense them
23 into what is both helpful to you and your clients and
24 helpful to the Board, particularly the latter part,
25 helpful to the Board.

1 MR. HANNA: Thank you, Mr. Chairman.

2 JOHN McNICOL,
3 FRANK D. KENNEDY,
4 J. JOSEPH CHURCHER,
5 RICHARD WILLIAM GROVES,
6 HARTLEY MULTAMAKI,
7 ALBERT BISSCHOP,
8 ROGER W. DAVISON,
9 ROBERT THOMAS FLEET, Resumed

10 CONTINUED CROSS-EXAMINATION BY MR. HANNA:

11 Q. Mr. Bisschop, we left off yesterday
12 dealing with this matter of traceability and I am not
13 going to belabour the point any further at this time
14 other than to ask three very specific questions and to
15 ask your opinion on it.

16 The first deals with the matter of the
17 forest industry as a stakeholder in the timber
18 management planning process.

19 Now, in your view, would you agree that
20 the forest industry is no different than any other
21 stakeholder in terms of their rights to determine the
22 management of Crown timber resources, they're another
23 public stakeholder in a sense?

24 MR. BISSCHOP: A. They are another
25 public stakeholder, obviously they have a very
important direct interest in the management of the
timber resource for the purpose of producing wood
products, yes.

1 Q. Yes. Now, given that most of the
2 timber management plans in the province will be
3 prepared by forest company staff, does this not place
4 other public stakeholders in an extremely disadvantaged
5 position in terms of being able to meaningfully discuss
6 and influence tradeoff decisions made in timber
7 management plans?

8 A. First of all, as you are aware, even
9 for company-produced plans there is the requirement for
10 production of the plan by a planning team that involves
11 MNR staff as well as company staff on those plans and,
12 in that sense, MNR staff with MNR's mandate for
13 management of public lands represent at least many of
14 the views of stakeholders with an interest in the
15 management of Crown land forests.

16 Secondly, even with company plans -- with
17 all plans there are requirements for public
18 consultation in the preparation of plans and any
19 interested or affected stakeholders have equal
20 opportunities to become involved in the preparation of
21 plans, whether by the Crown or industry, and to satisfy
22 themselves that their concerns will be addressed, if
23 not completely to their satisfaction they will at least
24 be addressed.

25 Q. But you heard the Chairman speaking

1 yesterday about the concern that the Board has, and
2 quite rightly I think that many parties have, in trying
3 to deal with this great mass of information; on one
4 hand trying to make it traceable, on the other hand,
5 making it managable.

6 And the reason I am asking this question
7 is because the timber management -- or the forest
8 industry is actively involved in that process on a
9 day-to-day basis and has, for all intents and purposes,
10 that information at their fingertips, they are put in
11 an advantaged position compared to other public
12 stakeholders.

13 THE CHAIRMAN: Mr. Hanna, just dealing
14 with that last question, before Mr. Bisschop answers.
15 Will you concede that a timber management plan should
16 be prepared by a forester?

17 MR. HANNA: Totally Mr. Chairman, but
18 they should have a role in it.

19 THE CHAIRMAN: Just a moment. Would you
20 concede that the other stakeholder groups are not
21 likely to have within their employ foresters,
22 registered foresters?

23 MR. HANNA: Yes, sir, I think that's a
24 fair premise to work from.

25 THE CHAIRMAN: So that if the author of

1 the plan is a forester, and that appears to be the case
2 both in terms of Crown units and/or FMA units, then do
3 you not look to the rest of the planning team to assure
4 the interests of other stakeholders -- that the
5 interest of other stakeholders are upheld or assured?

6 MR. HANNA: Certainly that is the
7 position of the proponent. I think that is quite
8 clear, Mr. Chairman.

9 My next question actually to the witness
10 was, by having other stakeholders actually represented
11 either directly on the planning team or through an
12 advisory committee type of approach is this one way to
13 try to alleviate --

14 THE CHAIRMAN: All right. Well, that is
15 a reasonable question.

16 What I am getting at is, is that it would
17 seem to the Board at this stage that it would be
18 difficult to change from who should author the plans,
19 who should have the initial responsibility for
20 preparing a plan and I think if you are willing to
21 concede, at least on behalf of your client, it should
22 probably be done by a forester.

23 MR. HANNA: To clarify my client's
24 position, my client has no intention of suggesting that
25 anyone other than the forester should be the one that

1 is the primary author of the plan and I have no
2 suggestion -- I wasn't trying to infer in any way in my
3 questions that a company forester should not
4 necessarily be the person who would be responsible for
5 that. I see much benefit in that.

6 That is not -- the direction of my
7 question is how to balance off the advantage that may
8 be either actual or perceived in terms of that
9 particular stakeholder group.

10 THE CHAIRMAN: Okay.

11 MR. HANNA: Q. Mr. Bisschop, is not one
12 means to alleviate this inequity, either perceived or
13 actual, to establish a citizen review committee
14 comprising representatives from different stakeholder
15 groups?

16 MR. BISSCHOP: A. I think that in
17 certain situations that may be a means in which perhaps
18 the concerns of various stakeholder groups could be
19 perhaps more effectively addressed.

20 I think my concern is that I am not
21 convinced that it is a requirement that needs to be
22 universal. I think I made that point yesterday in
23 reference to the kind of issues that the Temagami
24 situation faces versus, for example, the issues in the
25 Red Lake Crown Management Unit.

1 And at that time I think I also mentioned
2 that the Ministry has, from time to time in various
3 situations, and continues I believe in various
4 districts, to have public interest advisory committees,
5 if you will, that deal with specific issues for which
6 the district manager may wish to have more involvement
7 of directly affected interested parties.

8 Q. Thank you.

9 MRS. KOVEN: Mr. Hanna, wasn't it the
10 case in the Temagami situation you showed us yesterday
11 that in fact the group who seemed to be most in
12 opposition to the timber proposal in that area wasn't
13 willing to take part in any sort of organized review?

14 MR. HANNA: I believe you are talking
15 about the Temagami Wilderness Society, Mrs. Koven?

16 MRS. KOVEN: Mm-hmm.

17 MR. HANNA: That certainly is the case.
18 I am not sure, however, that if you look at the make up
19 of the advisory council itself, I think you will find
20 that there is a broad cross-section of views actually
21 represented on that committee and the fact that the
22 stakeholder decided not to partake in the opportunity I
23 don't think necessarily, if you will, undermines the
24 advantage of that approach.

25 There is going to be situations where

1 there is people who are going to opt out and that is
2 always going to be the case. I think we are always
3 faced with it. We have to give the public the
4 opportunity, if the public decides not to take up those
5 opportunity, like the public open houses or the public
6 decides not to come, we can't compel them, all we can
7 do is give them the opportunity.

8 MRS. KOVEN: I think that is what I was
9 getting at. Really the disadvantages of both are
10 fairly similar; I mean, you have to get some kind of
11 participation and the barriers to either type seem to
12 me to be the same.

13 MR. HANNA: Well, I think I will deal
14 with that when we come to that in our case, but I
15 appreciate your giving me notice of that and I will try
16 to deal with that at the appropriate time.

17 Mr. Chairman, I would like now to deal
18 with Mr. Bisschop on a matter that he has certain
19 knowledge on as an environmental planner; and, that is,
20 the Southwestern Transmission EA.

21 The reason I am bringing that forward to
22 you is that this, in my view, has many comparable
23 features to the types of environmental planning issues
24 we are faced with in a timber management plan, and I
25 believe that the approach that was used in the

1 southwestern case is significantly different than the
2 approach that is being proposed in this case and I wish
3 to get this witness' views as to why it was appropriate
4 in that case and not appropriate in this case.

5 THE CHAIRMAN: As long as you confine
6 your examination to strictly process issues and not to
7 go into, in any depth, the factual situation or the
8 particular issues that arose in the southwestern case.

9 That case, as you are aware, over a
10 period of time took -- probably between southwest and
11 southeast, took two or three years. We have no
12 intention of reviewing that decision.

13 MR. HANNA: Yes, Mr. Chairman.

14 MS. SEABORN: Nor would Mr. Campbell want
15 that decision reviewed in detail.

16 MR. HANNA: Mr. Chairman, what I am going
17 to produce are a set of three papers that were
18 presented concurrently. They were presented by
19 employees of Ontario Hydro at a conference which, if
20 you will, stripped away all of the details and talked
21 about the process, and that is the reason I am putting
22 that forward. They are all -- if you will, one paper
23 after the other flows together.

24 So I may as well enter them, the three at
25 the present time. (handed)

1 THE CHAIRMAN: Very well. Are you going
2 to deal with these separately? Can they be given the
3 same number A, B and C?

4 MR. HANNA: Yes, Mr. Chairman.

5 THE CHAIRMAN: All right. This will be
6 Exhibit 903A, B and C. A will be the proceedings of
7 the Fourth Symposium on Environmental Concerns dated
8 October 25th through 28th.

9 ---EXHIBIT NO. 903A: Document entitled: Fourth
10 Symposium on Environmental
11 Concerns in Rights-of-Way
Management held October 25-28,
1987 by Byrnes and Holt.

12 THE CHAIRMAN: B will be the Southwestern
13 Ontario Transmission II: - looks like two in Roman
14 numerals - Integration of Unique Study Areas Within a
15 Planning Process by Scott and Bancroft-Wilson.

16 ---EXHIBIT NO. 903B: Document entitled: Southwestern
17 Ontario Transmission II:
18 Integration of Unique Study Areas
Within A Planning Process by
Scott and Bancroft-Wilson.

19 THE CHAIRMAN: And Exhibit 903C will be
20 Southwestern Ontario Transmission III: - three in Roman
21 numerals - Decision Making Techniques In Complex Route
22 And System Selection Studies by Hoglund and Buck.

23 ---EXHIBIT NO. 903C: Document entitled: Southwestern
24 Ontario Transmission III:
25 Decision Making Techniques In
Complex Route And System
Selection Studies by Hoglund and

1 Buck.

2 MR. HANNA: Q. Now, Mr. Bisschop, I have
3 provided you with copies of these and you have had a
4 chance to examine them?

5 MR. BISSCHOP: A. Yes, I have.

6 Q. Now, the first paper, is it fair to
7 say that that provides an overview of the overall
8 planning program that was involved in the Southwestern
9 Environmental Assessment Study?

10 A. Yes, that's correct.

11 Q. Can we turn to page 210, please.
12 Now, at the bottom of the left-hand column there, under
13 Other Planning Considerations it provides an indication
14 of the study areas involved, slightly under a million
15 hectares.

16 This is at least within the same order of
17 magnitude of what you would expect of a forest
18 management unit in at least the boreal zone of the area
19 of the undertaking; is that not correct? They are
20 roughly comparable?

21 A. I am not sure that it's a frequent
22 occurrence that management units are that size. I
23 really haven't tried to make that comparison.

24 MR. FLEET: A. Mr. Hanna, I think that
25 would probably be larger than our largest management

1 unit. I worked on two of the largest in the province
2 and combined they were almost that large.

3 Q. So this would be about twice the size
4 then, Mr. Fleet, would that be...

5 A. There may be one somewhere that
6 approximately comes that close, but that is larger than
7 average, yes, definitely.

8 Q. Now, we have heard repeatedly, Mr.
9 Bisschop, the four activities that comprise timber
10 management. Would you agree that the timber management
11 activity that most closely parallels the matters
12 discussed here in terms of route selection for a
13 transmission line would be access road planning?

14 MR. BISSCHOP: A. In the sense that each
15 deals with the planning of a linear facility, yes.

16 Q. Okay. Now, this just dealt with, if
17 you will, the access planning component; timber
18 management planning has the other three components.
19 You would expect, therefore, that the complexity of the
20 decisions that need to be made in timber management
21 planning would be even greater than what would be
22 required in this particular case?

23 A. I am not so sure I would express it
24 in terms of complexity. There is no question that
25 there are other activities being planned.

1 Again, I guess what I would say is in
2 timber management planning we are planning all of the
3 activities really in terms of the details of the
4 environment that we are affecting for a five-year
5 period and, while we are dealing with more activities,
6 I am not sure that I would say it's a more complex
7 situation to deal with.

8 Q. You don't have to worry about
9 rotation ages and how trees are going to grow, that
10 sort of thing, with a transmission line; do you?

11 A. No, but I don't consider those to be
12 complexities.

13 Q. I see, fine. Now, there is a comment
14 made -- on page 211 under the Route Stage Planning
15 Program Environmental Study it indicates that --

16 MR. FREIDIN: What page are you looking
17 at?

18 MR. HANNA: On page 211, first paragraph
19 under Environmental Study.

20 Q. The statement is:

21 "...It required a comprehensive..."

22 Being I believe the route stage planning
23 program:

24 "...a comprehensive environmental
25 database to make and support planning

1 decisions."

2 And I presume that you would agree that
3 this statement applies equally to timber management
4 planning?

5 . MR. BISSCHOP: A. Yes, it applies -- I
6 would say it's a statement that applies to
7 environmental assessments.

8 Q. Now, the remainder of the paragraph
9 there goes on to explain how they started at a course
10 level and continually worked down to a finer and finer
11 level in terms of the analysis, and I see some
12 parallels there with the proposed timber management
13 planning process. I am wondering if you do too.

14 A. Yes, similarities in terms of, for
15 example, our approach of going from eligibility down to
16 selection and then detailed planning of how activities
17 would be carried out within the area selected. It's
18 similar, yes.

19 Q. Now, the last sentence in that
20 paragraph, I guess you could say it's a truism, but
21 they felt it was an important thing to say; and, that
22 is, that:

23 "Validity of the study results were,
24 therefore, very dependent on how
25 accurately and completely the database

1 represented the actual land base and
2 environmental conditions."

3 And I suggest, and I expect that you
4 would agree with that?

5 A. Exactly, yes.

6 Q. Now, the third paragraph there,
7 continuing on in the right-hand column, indicates that
8 there were field tests of the data to ensure accuracy
9 and sources of area were determined.

10 Now, can you confirm to me that there
11 were extensive studies undertaken specifically for this
12 environmental assessment to collect environmental data
13 above and beyond what was available in records and
14 files such as with the Ministry of Natural Resources?

15 A. At this point, Mr. Hanna, I think I
16 should make one thing very clear. If you take this
17 paper in total and you turn to page 209, and in the
18 left-hand column you see the word 'Organization'?

19 Q. Yes.

20 A. And if you read the paragraph before
21 that in which it speaks to the Joint Board decision on
22 the system planning stage.

23 Q. Yes.

24 A. In effect, that point in this paper
25 represents the time at which I left Ontario Hydro. I

1 was involved in, if you will, what is discussed on page
2 208 starting at Background through the four paragraphs
3 that are described in this paper, up to Organization,
4 and at that point I was no longer involved.

5 So any comment that I could make would be
6 based on my knowledge having any -- having a continued
7 interest in the project and associations I had with
8 staff who remained at Ontario Hydro.

9 So I can't really specifically speak, for
10 example, to the kind of detailed data collection that
11 was carried on at the next stage of planning. I am
12 aware of it and I am reminded of it by reading the
13 papers, but I don't have direct knowledge about it.

14 Q. All right. Well, I appreciate your
15 letting me know and I will make sure in my questions
16 that I deal with answers that don't require your
17 knowledge after you left Ontario Hydro. But that time
18 that you were at Ontario Hydro, were such studies
19 carried out?

20 A. Again, in terms of my experience on
21 this project, the foremost consideration in that
22 project was agricultural lands and unquestionably, and
23 in large part because you are dealing with a project
24 that ultimately is going to involve expropriation of
25 private land, there was considerable effort directed

1 towards getting a very complete database in order to be
2 able to rationalize decisions before the Joint Board
3 because Ontario Hydro knew that they would be required
4 to deal with that Board, particularly -- not only with
5 the planning dimensions of the project, but the
6 expropriation dimensions of the project.

7 When it comes to some of the other
8 components of the environment, for example, what I
9 would refer to as natural resource features, forest
10 cover, information on fish and wildlife habitat, that
11 sort of thing, my understanding and certainly my
12 experience at Ontario Hydro was as simple as this:

13 Information was obtained from the
14 Ministry of Natural Resources offices and used in
15 planning. I do believe in what is referred to as the
16 Bruce to Essa link which is the Bruce County/Grey
17 County/Dufferin County segment of the study area, there
18 were consultants hired I believe to address the subject
19 of what at that time was called sensitive areas - in
20 today's jargon it would be called ANSIs - to obtain
21 more information because of the absence of information.

22 But generally information was obtained
23 from other government ministry sources and used
24 directly in the planning project.

25 Q. Along the --

1 THE CHAIRMAN: Excuse me, I would like to
2 ask Mr. Bisschop a question here.

3 Mr. Bisschop, if the Ministry of Natural
4 Resources in the course of its timber management
5 planning exercises was also faced with the possible
6 expropriation of private land, would it be likely to
7 conduct similar data gathering studies if it felt that
8 the existing database was somehow insufficient, as I
9 understand you are indicating Ontario Hydro did
10 primarily because they were concerned about the
11 possible expropriation of private agricultural land?

12 MR. BISSCHOP: Again, I don't
13 particularly have any experience with that myself, Mr.
14 Chairman. I do know that, for example, the other Class
15 EAs we have referred to for the smaller projects
16 occasionally involve projects that require use of
17 private land either to access public land or to
18 undertake a project partly on private land.

19 I would expect, because you are dealing
20 with potentially an expropriation situation, that
21 efforts would be directed at getting a comprehensive
22 information base to be able to follow through the
23 necessary approvals so that you can justify a decision
24 if it had to go as far as expropriation of public land.

25 I don't believe it's a common occurrence

1 with Ministry of Natural Resources projects.

2 MR. GROVES: Mr. Chairman, I might be
3 able to help you out on that.

4 THE CHAIRMAN: Sorry?

5 MR. GROVES: I'll jog the post here.
6 Within the timber management plan in Chapleau that I
7 was working on there was a substantial chunk of forest
8 land that was private and we did look at a lot more
9 additional information to decide whether it was
10 worthwhile in purchasing that and add that to the
11 management unit we were working on.

12 So, in that case, yes, we would be
13 looking at more information.

14 THE CHAIRMAN: Thank you.

15 MR. HANNA: Q. Mr. Bisschop, I want to
16 make sure again that I'm clear in what you are saying.
17 My understanding is that each of the routes was
18 surveyed by biologists, foresters, natural resource
19 type people using a video recording system. Are you
20 aware of that?

21 MR. BISSCHOP: A. I am aware of that and
22 I believe it's principal purpose was to give an easily
23 communicable form of expression to differences amongst
24 alternatives so that, if you will, one could through a
25 picture of the story trace a decision that was made

1 about the preferred alternative over others.

2 I think it was a tool that was used to
3 help communicate decision-making. That is my
4 understanding.

5 Q. It wasn't used for technical
6 analysis?

7 A. I would not expect in any rigorous
8 detailed way, no.

9 Q. So your interpretation of field tests
10 here is that they were related to agricultural land, as
11 you have indicated, and that is it, except for the
12 ANSIs that you mentioned on the Bruce/Essa portion?

13 A. That is not -- I wouldn't say that is
14 my interpretation of what this is, this is my--

15 Q. Your experience?

16 A. --my knowledge about what I
17 understand happened in that situation, plus my
18 experience with the way we dealt with that in other
19 projects at Ontario Hydro.

20 MR. FLEET: A. Mr. Hanna, if I could
21 perhaps provide a recent example.

22 I was involved earlier this year in the
23 Timmins District - which is of course in the area of
24 the undertaking - and there is a corridor planning
25 exercise in I believe the early stages and it's a

1 corridor to go between North Bay and Kapuskasing.

2 In Ontario Hydro's efforts to collect
3 information they did come to the district office in
4 Timmins, which is one of the areas where that
5 corridor -- one of the alternatives could cross
6 through. The data which they were seeking was that
7 data which is currently available in the Ministry of
8 Natural Resources district office. They looked at our
9 values maps that were in existence, they relied on our
10 FRI information maps and so forth at this point in time
11 and to date.

12 Q. Thank you, Mr. Fleet. Can we
13 continue on, Mr. Bisschop, to the next paragraph. And
14 all I really want to establish is that in this
15 particular case there was -- the next paragraph I am
16 talking about is on page 211, the last paragraph
17 starting:

18 "All data was digitized..."

19 MR. BISSCHOP: A. Yes.

20 Q. Now, I don't recall and I haven't
21 seen anything yet to suggest that any of the
22 information that was used in terms of non-timber values
23 will be digitized or developed in this sort of format
24 at all; is that correct?

25 A. You mean within MNR's timber

1 management planning process?

2 Q. Correct.

3 A. My understanding - and I think again
4 Mr. Fleet can speak to this directly - is that we are
5 entering the world of computerized mapping, if you
6 will, in the Ministry and it's certainly not
7 universally applied at all in MNR yet, but the
8 digitization is being done for forest resources
9 inventory maps and I understand to be able to
10 ultimately digitize other data and, through computer
11 manipulation, deal with overlaying data.

12 MR. KENNEDY: A. Mr. Hanna, if I might
13 draw your attention to our draft term and condition No.
14 48 which is found in Exhibit 700 where the Ministry of
15 Natural Resources has outlined its interest in
16 geographic information systems and our commitment to
17 continue to examine the potential for those, and we do
18 have a number of test cases underway in the province
19 that Mr. Fleet could speak of if you are interested in
20 some detail in that regard.

21 Q. I think the Board has already heard
22 some of that and I don't really think there is a need
23 to go through that at this time. I am aware of those
24 initiatives.

25 A. I would like to draw your attention

1 to the fact that other resource values; that is, other
2 than timber, are being examined. I believe that was
3 the root of your question. And I would also...

4 Q. Mr. Bisschop -- I'm sorry.

5 A. I was going to add that I believe
6 there are a number of initiatives underway in the
7 private forest sector as well in terms of looking at
8 geographic information systems.

9 THE CHAIRMAN: Mr. Kennedy, even if the
10 Ministry decided to go all out; in other words, decided
11 that they are going to computerize tomorrow, would it
12 not be a fair statement to say that that would be, if
13 technically possible, enormously costly and, as a
14 result, it would be a tradeoff vis-a-vis other programs
15 likely involved?

16 MR. KENNEDY: Most likely unless there
17 was some unique funding source attributed above and
18 beyond current funding levels to Natural Resources, the
19 monies would have to be found from within and there
20 would be significant tradeoffs on other aspects of the
21 program.

22 So even if a decision was made to go
23 tomorrow there would be -- in addition to those
24 tradeoffs, there would also be a considerable time lag
25 as I understand it to have a system up and running.

1 MR. MULTAMAKI: Mr. Chairman, as well I
2 should point out that there are other difficulties
3 besides just the factor of money.

4 When you look at the FMA portion of the
5 management program, the companies tend to be on a
6 variety of computer systems, some more elaborate than
7 others, and to implement conversion to a GIS type
8 format I guess for timber planning at this point in
9 time would be difficult for some of the industries if
10 not all.

11 THE CHAIRMAN: Is it fair to say that
12 information held by companies on their own units is not
13 necessarily duplicated or also in MNR files or
14 possession?

15 In other words, I guess my question is:
16 Are there two different sources of data: One that
17 companies may hold and one that MNR may hold; and, if
18 so, are they different; and, if not, does MNR have all
19 the data the companies have within their files
20 regarding their units?

21 MR. MULTAMAKI: As far as physical
22 information, yes, I think the databases are fairly
23 similar in fact between MNR and the companies, but if
24 you are talking about other company information; for
25 example, long-range plans, personnel situations, or

1 internal company policies and decisions and their
2 influence on operations, no, the Ministry would not
3 generally have access to that.

4 MR. HANNA: Q. Mr. Bisschop, the system
5 that is ascribed here was implemented almost ten years
6 ago; is that not correct?

7 MR. BISSCHOP: A. By that do you mean
8 this CARSS system?

9 Q. Yes.

10 A. I recall beginning work with computer
11 mapping at Ontario Hydro probably in 1975 when we
12 entered into sort of what I would refer to at that time
13 as a primitive version of computer mapping. The CARSS
14 system, I am not exactly sure when it came in.

15 Q. But this technology has been around
16 for a number of years?

17 A. Certainly and, in fact, I would
18 suggest that in Ontario, if not North America, Ontario
19 Hydro is a leader.

20 Q. Can you explain to me why, in
21 southwestern Ontario at least, that with the volume of
22 data being used this digitized system was essential to
23 manipulate, evaluate and reproduce the data?

24 A. Why was it essential?

25 Q. Yes.

1 A. Essential primarily I think because
2 in the end they were making an important decision in
3 terms of ultimately a system and route selection
4 process to deal with a very high profile, very
5 expensive, if you will, expansion of the Ontario Hydro
6 system.

7 The investment in the computer system
8 which was very substantial was viewed to be, in the
9 scheme of things, a fairly minor financial investment
10 compared to the overall costs of the program that
11 Ontario Hydro was dealing with.

12 I can recall, for example, just to give
13 you an example of relativity, I remember even with the
14 computer portion of the whole planning process Hydro's
15 engineers referring to the costs of the environmental
16 studies being 2 per cent of the total cost of the
17 project.

18 And that doesn't undermine that the cost
19 of the planning were not substantial; in fact, as you
20 know, my experience with southwestern Ontario was I
21 believe eight years, it was settled in what about
22 1987 - that is another six years - the costs were
23 substantial, but compared to the cost of building the
24 transmission system and even more the costs of the
25 locked-in power at Bruce they were relatively minor.

1 THE CHAIRMAN: I can advise that there is
2 a subsequent proceeding relative to the Ontario Hydro
3 matter before the Joint Board coming again before the
4 Joint Board next month, myself having just
5 re-established the Joint Board for that purpose a short
6 time ago.

7 But, in any event, I think what concerns
8 the Board - and we would like Mr. Bisschop's opinion -
9 is the fact that in the scheme of things Ontario Hydro,
10 over the past number of years, has had a very
11 substantial budget to work with which is probably
12 incomparable with any other ministry of government and
13 would you, Mr. Bisschop, take the position that what
14 Ontario Hydro did in terms of instituting computerized
15 data collection systems, et cetera, in terms of dealing
16 with perhaps environmental assessment of their projects
17 could not necessarily be duplicated, at least at this
18 stage, by other ministries on their existing budgets?

19 MR. BISSCHOP: I would probably even be
20 more emphatic, Mr. Chairman, it is highly unlikely.

21 As Mr. Kennedy has indicated, even a
22 decision to advance ourselves in moving more into the
23 computer age in government, in MNR would be a
24 substantial government decision, I would think.

25 In the case of Ontario Hydro, it was a

1 corporate decision that was considered to be in the
2 entire scheme of things a relatively minor investment
3 to achieve the purpose that they had to achieve.

4 MR. HANNA: Q. Mr. Bisschop, are you
5 aware of systems now available for as little as \$10,000
6 that will operate, personal computers that can
7 replicate the analysis that was undertaken by Ontario
8 Hydro in the Southwestern Transmission EA study?

9 MR. BISSCHOP: A. No, I am not aware. I
10 don't claim to be any kind of an expert in computer
11 use.

12 MR. FLEET: A. Mr. Hanna, I do have some
13 awareness of those and I also have awareness with the
14 more sophisticated system that we are in the process of
15 developing in the Timmins District.

16 We had one of those microcomputer systems
17 in management planning section when I was there. In
18 terms of what we hope to be able to achieve through the
19 digitization of our resource inventory information, one
20 of the major difficulties is the fact that the various
21 agencies such as geological survey, topographic
22 mappers, the mining series maps, Northern Development
23 and Mines maps, our own fish and wildlife maps, our
24 forest inventory maps and so forth are currently all on
25 either different scales or different projections.

1 Now, to spend the money to digitize this
2 information and to make it compatible, everybody has to
3 step back from what they are using right now and say:
4 We are going to try and put our existing information
5 onto a standard frame, and they are called the Ontario
6 base maps which are being generated through our main
7 office and through the private sector and they have
8 identical control points, so that this digitized
9 information being used by one government agency or by
10 one service within a government agency when overlapped
11 onto another projection will be entirely compatible.

12 And the reason that it is so cost
13 prohibitive and the reason that we are moving toward it
14 but moving slowly is because we have to get all the
15 government agencies to agree to go to this single
16 projection and then we have to reconcile all of the
17 different maps and all of the different information
18 onto that.

19 So there are \$10,000 GIS systems
20 available, but we would never be compatible in future,
21 and so we want to do it right and we want to do it from
22 the start. So we are going with the expensive version.

23 Q. What version are you referring to,
24 Mr. Fleet?

25 A. We are using ARCINFO on a digital

1 mini-computer and we are using the Ontario base maps
2 which are not entirely completed for the province yet,
3 in fact; that is -- if you will, the bottleneck is the
4 production of that single common projection of what
5 would be road and aquatic and geographic features which
6 all other information will be overlaid upon.

7 Q. ARCINFO is, in the jargon of a GIS, a
8 digital system; is it not?

9 A. I think I am already out of my
10 elements on that.

11 Q. Thank you.

12 THE CHAIRMAN: All right. Mr. Hanna,
13 again, the Board doesn't want to curtail your
14 questioning in this area, but I think we have got to
15 look at some kind of practical implications from the
16 line of questioning, and it's this:

17 The Ministry is not now computerized or
18 digitized, at least to the extent that perhaps it might
19 be ten years down the road or whatever. The Ministry
20 has indicated through some evidence that they are
21 working on GIS systems in that area.

22 This Board is faced with considering
23 rendering a decision on the evidence before us and
24 probably in advance of such a system being on line,
25 given the scheme of things, given the evidence just

1 presented by Mr. Fleet, and given the time it takes to
2 get something of this magnitude up and running both on
3 the technological side and the budgetary side. I would
4 like you to focus your concerns in this area in the
5 light of what this Board might be able to do, in any
6 event.

7 If the contention of your client is:
8 Let's stop everything and get off until such a thing is
9 fully operational and developed, I am not sure that is
10 entirely practical. If it is: Issue a condition of
11 approval, for example, compelling the Ministry to
12 computerize immediately, again, that might have other
13 practical implications as to whether it could be
14 implemented, whether the Board could and does have the
15 jurisdiction effectively to create a budgetary
16 situation ministry-wide and maybe affecting other
17 ministries as well to accomplish that end.

18 And all we are saying is, is that it's
19 nice to be brought up to date with the state-of-the-art
20 both with Ontario Hydro and perhaps other
21 organizations, but we would like to view this evidence
22 in a practical sense, saying to ourselves: That is
23 nice, but what does it mean in terms of the Board
24 rendering a decision on this application.

25 MR. HANNA: Mr. Chairman, perhaps I can

1 just tell you where I was coming from for that. I
2 certainly share all of the views that you have raised
3 there and I can tell you, my client does not want to
4 stop the world and get off. We certainly realize that
5 and we are looking forward to trying to make this thing
6 work.

7 The reason I am raising these issues is I
8 realize the practical constraints, I realize the powers
9 that the Board might have or the limitation of powers
10 the Board might have in this respect.

11 . What I am concerned about is the planning
12 process that this Board approves, hopefully we are not
13 going to go through this sort of an exercise in five
14 years from now or whatever, go through all of this
15 again.

16 THE CHAIRMAN: It won't be with this
17 Board, meaning this panel, I can assure you of that.

18 MR. HANNA: Hopefully it won't be with
19 some of the parties also. I think the point is that I
20 am anticipating what this Board approves will be a
21 precedent-setting decision in terms of the course of
22 timber management planning in this province for a
23 number of years to come, and I think one of the things
24 that we have to look very carefully at is that, while
25 we can't -- the Board may not be able to, if you will,

1 compel the rate at which that happens, I think the
2 Board is well advised to consider if that does come on
3 stream and when it does come on stream, that the
4 planning process that you approve is such that it will
5 be compatible with those changes that are coming
6 forward.

7 And that is the line of questioning --
8 that is the reason for my line of questioning.

9 THE CHAIRMAN: Very well.

10 MR. HANNA: Q. Mr. Bisschop, can we look
11 at page 212, please, and under the heading Public
12 Involvement Program, the second paragraph there.

13 It appears that in this particular study
14 the types of committees or advisory committees that we
15 have talked about in terms of Temagami that the Ontario
16 Federation of Anglers & Hunters has been talking about
17 as possibilities with the timber management planning
18 process was actually implemented in this particular EA;
19 is that correct?

20 MR. BISSCHOP: A. Yes. It's a common
21 feature of Ontario Hydro's public involvement program
22 in major facility planning, yes.

23 Q. Now, I would like to get this
24 clarified because I am just not sure what this means,
25 and perhaps you might not be able to answer it either

1 because of your involvement; but, if you can, I would
2 appreciate getting your clarification on it. And that
3 is the latter part of that paragraph where it says:

4 "The groups..."

5 And I believe this is these liaison
6 public involvement groups:

7 "...reviewed the environmental data,
8 identified concerns, developed planning
9 objectives, set priorities among
10 environmental resource features and land
11 uses, helped identify the corridors..."

12 And basically were involved in the whole,
13 if you will, the whole gamut of the EA study; is that
14 correct?

15 A. Yes, that is correct.

16 Q. Now, it says -- the next sentence
17 there says:

18 "The groups became closely associated
19 with the studies, and their views and
20 comments were considered valuable."

21 Now, I understand that to mean that the
22 groups were actually involved in the determination of
23 the data to be collected and how it was analysed; is
24 that correct?

25 A. Yes, and to give some background to

1 it, in effect, I would consider the approach to be like
2 this: In a study like the Ontario Hydro transmission
3 planning studies you are ultimately going to have a
4 large number of interested and affected parties.

5 First and foremost, of course,
6 potentially affected landowners by alternatives and
7 ultimately by the preferred alternative. I recall -- I
8 think it's in next paragraph at the top of -- the
9 right-hand top of the page, there is reference to
10 letters being sent -- direct letters to 35,000
11 potentially affected landowners.

12 This approach was developed when I was at
13 Ontario Hydro to deal with the early system planning
14 stage and the idea was to get representatives of the
15 community at large who could speak to certain
16 interests, subject areas, if you will; for example,
17 representatives of the agricultural community,
18 representatives of the naturalists community, et
19 cetera, who would be actively involved in the studies
20 and then would lend additional credibility, if you
21 will, to the outcome of the studies as their
22 involvement would be observed by, for example, an
23 individual landowner whose primary interest is
24 agricultural.

25 So it's the kind of situation where

1 Ontario Hydro judged - and I was involved and I would
2 concur - where it's very important because of the
3 nature of the issues that you are dealing with that you
4 have representative involvement of the various
5 interests in coming to a particular decision.

6 Ontario Hydro dealt with a lot of smaller
7 projects as well in which really the public
8 consultation element of it was very similar to the kind
9 of thing we are putting forward in the Class EA where
10 there are formal opportunities for people to review
11 developments as the project proceeded.

12 This is a major study that Ontario Hydro
13 from the very outset knew would go to public hearings,
14 there is a large number of peoples ultimately directly
15 affected and, in order to make the outcome saleable, if
16 you will, the importance of direct involvement of
17 representatives of the community at large in every
18 aspect of the planning was considered essential.

19 Q. Now, I just want to clarify one thing
20 there. I may have interpreted this wrong in what you
21 are saying, but the inference I obtained from what you
22 just said was that your view is that, in this
23 particular case, this particular project was a major
24 undertaking and a timber management plan, in your view,
25 is not a major undertaking?

1 A. Relatively a timber management plan
2 for an individual management unit is no where near in
3 the order of this kind of undertaking.

4 Q. But that wasn't my question. I
5 understand there's a difference in scale. I am asking
6 you, is your view as an environmental planner that a
7 timber management plan would be seen as a major
8 undertaking?

9 THE CHAIRMAN: Major undertaking in what
10 aspect, in what context? How is the word 'major' used?

11 MR. HANNA: The potential environmental
12 ramifications of the project, Mr. Chairman.

13 MR. BISSCHOP: I maintain my position
14 that relatively it's not in the order of an undertaking
15 such as this. Not to deny, you know, a plan of
16 operations for five years on a management unit is not a
17 substantial undertaking, particularly for some of the
18 larger units and the company units, but relatively
19 compared to a major transmission facility for Ontario
20 Hydro, I don't believe so.

21 MR. HANNA: Q. How about comparing it to
22 landfill for a municipality?

23 THE CHAIRMAN: Well --

24 MR. BISSCHOP: I think that is not a
25 possible comparison for me to make because that is a

1 very localized geographic situation on landfill
2 ultimately.

3 THE CHAIRMAN: I mean, I think you will
4 concede, Mr. Bisschop - I think we will all concede -
5 that a major environmental impact doesn't have to be
6 associated (a) with just a linear type facility, or (b)
7 with, for instance, the number of people that might be
8 impacted; you can still have a major environmental
9 disaster, if I can characterize it that way, arising
10 out of a particular activity with virtually a very few
11 people involved, for instance, to the natural
12 environment?

13 MR. BISSCHOP: It's in that light, Mr.
14 Chairman, that I made my comment that I don't believe
15 the activities put forward in a timber management plan,
16 given the planning that is carried out in arriving at
17 what ultimately gets done and how, is a major
18 undertaking with really major environmental
19 consequences.

20 MRS. KOVEN: I would add to that, Mr.
21 Bisschop, that I find it difficult to find anything all
22 that comparable between the public involvement program
23 that is sketchily described here in these paragraphs.

24 For example, we are told that there were
25 35,000 letters of invitation to various landowners. We

1 have no idea how many people responded to those, we
2 have no idea how, you know, active the communities were
3 in any of this, in the final analysis some minor route
4 adjustments were accomplished through this presumably
5 expensive and lengthy public involvement program.

6 And am I clear that you have made no
7 direct comparisons between what was done here and what
8 is being proposed in the timber management project?

9 MR. BISSCHOP: That is correct. I would
10 suggest with my experience in that southwestern Ontario
11 situation and my knowledge of it that you would get --
12 with those 35,000 letters you would get probably
13 substantial public involvement.

14 The issue was a very controversial one,
15 the level of public involvement in Hydro, particularly
16 major Hydro facility planning, was substantial.

17 MR. MARTEL: But you have a great deal
18 more opposition coming from something like the Hydro
19 than you do - even though you do get some opposition to
20 timber management - the opposition, as I recall it,
21 with those corridors was extremely significant and one
22 of the reasons you adopted committees was to try to get
23 public assistance almost in making it saleable?

24 MR. BISSCHOP: Exactly, Mr. Martel. I
25 can recall my first presentation to a public audience

1 with Ontario Hydro and being screamed at by three or
2 four hundred odd people.

3 THE CHAIRMAN: Well, the Board might make
4 one further observation; and, that is, in the context
5 of these very hearings in terms of public involvement,
6 the Board has gone to considerable effort since the
7 outset of these hearings to provide access to the
8 public so that they could attend or observe or take
9 part in these very proceedings.

10 We are going to a great deal of expense,
11 of public expense to provide transcripts of these
12 proceedings in some 35 locations across the province.
13 We are getting some feedback from time to time as to
14 the degree of usage of those transcripts, and we have
15 observed, since we have commenced sitting in Thunder
16 Bay, the degree to which the public at large has seen
17 fit to attend these proceedings or parts or small
18 portions to observe what is going on.

19 And just because you provide the
20 opportunity for public involvement by no means ensures
21 that the public, in fact, will take advantage of those
22 opportunities.

23 And bearing in mind that a lot of this is
24 at great public expense, to some extent some of these
25 factors have to be taken notice of in terms of any

1 planning process that is designed.

2 That is not to say the public shouldn't
3 be given opportunities to participate, but there is a
4 corresponding obligation on the public to some extent,
5 that when given such opportunities, they take advantage
6 of it.

7 MRS. KOVEN: I think you will agree, Mr.
8 Chairman, that the public can't be faulted for not
9 understanding entirely the bulk of the issues that are
10 being discussed here, it's not the sort of hearing
11 where there's a neat and quick ending.

12 THE CHAIRMAN: No, that is certainly
13 acknowledged probably by members of this panel more
14 than anyone else.

15 But, by the same token, with the
16 documentation that would normally go into a planning
17 process involving a timber management plan, this member
18 of the Board doesn't feel that that particular process
19 is uncomplicated, in the sense that public involvement
20 to follow the thing through from start to finish over
21 the course of a year - I understand that is roughly the
22 time frame to develop a timber management plan -
23 would be difficult for the public to involve itself on
24 a continuous basis, just as it's difficult for the
25 public to involve itself in terms of these hearings

1 over a considerable period of time.

2 MR. McNICOL: Mr. Hanna, before you leave
3 this point of environmental impact and the relative
4 impact, I think it's important to point out that in
5 terms of the landscape, the area that you are dealing
6 with in southern Ontario, in essence, has been changed
7 from a natural environment forever because of the
8 population density, because of the conversion of the
9 land to other purposes to suit man.

10 In northern Ontario where we are dealing
11 with forest harvesting activities, man does change the
12 landscape permanently in the case of some roads, for
13 instance, but ultimately the forest management
14 activities are designed to encourage that natural
15 ecosystem; in other words, to perpetuate what was there
16 before, which is very different than what occurs in
17 southern Ontario with conversion of the land for other
18 purposes.

19 So with respect to environmental impact,
20 an impact on a natural ecosystem, what we see in
21 southern Ontario, I would suggest, is much more
22 important with regard to what remains as natural
23 ecosystems in proposed Hydro corridors - and I would
24 suggest the Bruce obviously is a very important
25 example, there still are elements there of a natural

1 ecosystem that basically have been undisturbed - but
2 over much of those proposed corridors, there has been
3 permanent alteration of the natural ecosystem.

4 MR. HANNA: I will save a response to,
5 that for my case, Mr. Chairman.

6 Q. Mr. Bisschop, just one point here
7 before I try and move through this a little more
8 quickly.

9 On page 212 there, the paragraph just
10 before Public Involvement on the left-hand side, the
11 last sentence there seems to contradict what we spoke
12 about before in terms of collecting field information
13 and it indicates here that:

14 "There was aerial inspection of the
15 routes."

16 And my reading of that is that it was
17 more than just to communicate something to the public,
18 but that was actual field checking, ground truthing?

19 MR. FREIDIN: Where are we, sorry?

20 MR. HANNA: The bottom of the first full
21 paragraph on page 212 starting with:

22 "Information was clearly reviewed in the
23 field, with source agencies and the
24 public to obtain as accurate a database
25 as possible. Aerial inspection of routes

1 by helicopter was used to view actual
2 locations of the routes on the ground and
3 check inaccessible areas."

4 MR. BISSCHOP: I would comment that the
5 reference here to aerial inspection is a different one
6 from the reference to production of videos.

7 It was common practice even when I was at
8 Ontario Hydro when we identified alternative routes,
9 particularly where accessibility was a problem, we
10 would use helicopters to investigate, again try to get
11 more information on what features are being encountered
12 or whatever by the alternative routes for use in
13 decision-making.

14 The reference to videos, as I understand
15 it, was in the end, having identified the ultimate
16 alternative routes for the final comparison, the videos
17 were produced for that very purpose, of telling the
18 story in a picture and for ease of communication.

19 MR. HANNA: Q. But clearly Ontario Hydro
20 did not rely solely on file data on which to arrive at
21 their conclusion; is that not what that sentence is
22 saying?

23 MR. BISSCHOP: A. That's correct. And I
24 might add that the aerial inspection that is referred
25 to here, I would suggest, is not at all unlike the

1 aerial inspections that Mr. Multamaki referred to for
2 the Red Lake Plan where he refers to videos of stream
3 crossings, areas of concern, et cetera.

4 Q. But that is not a requisite?

5 A. No, that was a practice that was
6 employed in that unit for purposes --

7 Q. Very specific reasons that he gave
8 evidence on?

9 A. To assist in decision-making.

10 MR. FLEET: A. And, Mr. Hanna, that is a
11 common practice in the area of the undertaking. We do
12 it in Timmins District, we did it in Sioux Lookout
13 District, we did it in Ignace District.

14 Q. So it wouldn't be a major expense to
15 the Ministry then if that was a requirement, because
16 you are already doing it?

17 A. Well, it all depends on the season,
18 the availability of helicopters as an example. Often
19 it's a response, for example, to newly identified
20 information, we will go out and verify it in a rapid
21 fashion in the progress of the planning exercise, that
22 type of thing.

23 THE CHAIRMAN: But isn't a lot of that on
24 the FRI base anyways in the sense--

25 MR. FLEET: Yes.

1 THE CHAIRMAN: --in the sense that you
2 could reconstruct from FRI photos and maps what
3 features you are encountering on a proposed route
4 without necessarily going specifically back to fly that
5 particular route. Is that not the case?

6 MR. FLEET: That's right. We often go
7 first -- we do go first to the photos.

8 MR. BISSCHOP: Mr. Chairman, I would
9 characterize the aerial inspections as additional
10 observational information.

11 THE CHAIRMAN: Well, Mr. Hanna, have we
12 explored most of this paper?

13 MR. HANNA: I am crossing out here
14 rapidly, Mr. Chairman. I think I have just about come
15 to the end of it. Mr. Chairman, I think I have dealt
16 with that.

17 Mr. Chairman, I realize there will be an
18 opportunity later to respond to the Board's concerns
19 about public involvement and whatever but, just for the
20 record, I think it is important to note that my client
21 is fully aware of the public expense that is being
22 incurred in these hearings.

23 I do, however, feel it's important to
24 note that, by the same token, my client has invested a
25 tremendous amount of effort and time in these hearings

1 and certainly that segment of the public that we
2 represent --

3 THE CHAIRMAN: We are not suggesting that
4 the public isn't taking part, Mr. Hanna, through the
5 groups that are coalesced both with your own client,
6 Forests for Tomorrow, and all the other groups.

7 All we are saying is, is that there is
8 also an opportunity for the general public at large who
9 do not belong necessarily to one of the groups formally
10 represented before the hearing, and this hearing has
11 always been open to that segment of the public as well
12 and the transcripts around the province are designed
13 primarily for that group of unrepresented public to
14 avail themselves of what is going on in the hearing.

15 And to the extent to which they are
16 taking advantage of those opportunities is, I am not
17 saying in question, but we can certainly observe from
18 who attends the hearings in Thunder Bay as to the
19 extent of that involvement.

20 MR. HANNA: Mr. Chairman, just one thing
21 I would just advise you - I won't go any further on
22 this - but simply that I will be making submissions to
23 you, I don't know whether it will be in argument or in
24 our case, about the role that public interest groups
25 may need to play in this process and how our group may

1 be able to serve in that respect, but I will deal with
2 that at a later time.

3 Q. I would like to move now to 903B, if
4 I could, Mr. Bisschop. I just have several questions
5 with this. I would like to turn to page 219 if we
6 could, please.

7 Now, I am looking at the last paragraph
8 there on the page on the right-hand column, and the
9 authors have indicated there was a difficulty in
10 assessing tradeoffs between various factors.

11 MR. BISSCHOP: A. That's correct.

12 Q. Agriculture, natural environment,
13 forestry, whatever.

14 A. That's correct.

15 Q. And they also indicate here that the
16 public played a role in making these tradeoffs by
17 establishing priorities. Now, is the word priorities
18 here, in your view, comparable to the term weighting
19 that has been used at other points in this hearing?

20 A. Without getting too semantic about
21 it, it's more of a ranking than a weighting approach;
22 in other words, not specifically assigning a particular
23 weight to a value, but rather saying: I consider this
24 value to be more important than this value, than
25 another value. That is how the system worked in

1 Ontario Hydro.

2 Q. Would you agree that this is a
3 primary role for the public to play in environmental
4 assessments generally and it was essential in this
5 particular case?

6 A. Again, not to get too semantic, it's
7 a role to play. Where we have tradeoffs in any kind of
8 environmental assessment situation and it's necessary
9 to come to some decision among tradeoffs, yes, there is
10 a role for the public, there is a role for the
11 professional planners to bring information about
12 priorities and so on in arriving at decisions.

13 I wouldn't suggest that it is the or a
14 primary role of the public in planning, it's a role. I
15 think...

16 Q. Is it an essential role?

17 A. It's an essential role. I would
18 suggest that bringing information into the picture is
19 perhaps a more important role than establishing
20 priorities, if you will.

21 Q. And was the use of the -- or did the
22 liaison committees not play a key role in developing
23 these priorities and providing that input to the Hydro
24 study team?

25 A. Yes. In fact, they played a very

1 major role that was ultimately, in my experience, used
2 to assist -- by prioritizing values on the landscape, if
3 you will, they played a role in doing that prioritization
4 and then the resultant product of that was used, first
5 of all, to identify alternatives; and then, secondly,
6 on the basis of the same information, evaluate and
7 compare alternatives.

8 THE CHAIRMAN: Mr. Bisschop, is this the
9 area that is often encompassed under the present day
10 jargon of social impact assessment in the sense that
11 how the public feels about certain tradeoffs or certain
12 potential impacts is an important aspect of
13 environmental assessments, per se, and it's my
14 understanding that it is becoming increasingly
15 sophisticated and something that hitherto hasn't been
16 used very often, at least in a very comprehensive way,
17 but is becoming more a facet and a necessary ingredient
18 of the environmental assessment process.

19 Would you consider that the public
20 liaison committees provide often the imperical basis
21 for a social impact assessment?

22 MR. BISSCHOP: I think, Mr. Chairman, you
23 and I would see it that way. I expect the social
24 impact purists would be looking at more than just that.
25 Perhaps through the use of an example I can give you my

1 experience at Ontario Hydro.

2 I indicated that we were dealing
3 primarily in southwestern Ontario with an agricultural
4 conflict situation, if you will, and the kinds of
5 prioritization that was done in the Hydro studies in
6 southwestern Ontario, for example, would say that we
7 consider land with the capability to produce market
8 garden crops as being our highest priority, food.

9 Relative to the kind of beef pasture
10 farming that you would see in Grey County which is
11 small farms, small operations, they would be -- if my
12 recollection is right, they would have been seventh or
13 eighth in the priority for the agricultural dimension
14 alone.

15 And the way the system worked there is
16 that they had nine different categories of interest;
17 agriculture, forestry, recreation or whatever, and then
18 representatives of the various groups got together to
19 prioritize all of those various aspects as a group, and I
20 can recall that - not to make it sound simple - but the
21 first priority in southwestern Ontario transmission
22 planning studies was to avoid built-up communities, the
23 second was to avoid these market garden crop areas and
24 progressively lesser important values.

25 So, in that sense, collectively that

1 group of people that was involved in these working
2 groups and liaison committees established an expression
3 of social priorities for that time in terms of the
4 utility in transmission planning studies.

5 MR. HANNA: Q. The last paragraph in the
6 paper on page 220, Mr. Bisschop, discusses certain
7 conclusions that were reached as a result of the
8 experience of these authors with this environmental
9 assessment; correct?

10 MR. BISSCHOP: A. That's correct. It
11 provides a summary of the paper in effect.

12 Q. And it's the last sentence there that
13 I am interested in, and that is:

14 "Priorities for environmental tradeoffs
15 must be established in the overall
16 comparison."

17 And it's the 'must'. It's not 'can be',
18 it's 'must be established'. Do you agree with that?

19 A. In the context of the kind of
20 planning studies that are being -- that this paper
21 represents and similar ones, yes.

22 You are dealing with projects that will
23 have likely a considerable element of opposition to
24 them and you're going -- you are looking at
25 alternatives in making a decision, each of which is

1 going to have its own level of opposition and, in order
2 to rationalize a decision, there has to be some
3 structured rigor to evaluate the information that you
4 have and, in these kinds of situations, establishing
5 priorities amongst what I would call environmental
6 values is necessary to allow that process to work.

7 Q. Now, you had indicated that
8 priorities here was essentially a ranking system?

9 A. That's correct.

10 Q. Are you familiar with the technical
11 literature dealing with ranking systems and the
12 suggestion that all ranking systems have implicit
13 weights associated with them?

14 A. I can't say I am familiar with a lot
15 of the literature. I can agree that implicitly there
16 is an element of weight attached to ranking something
17 as number one versus ranking another value as No. 23.

18 THE CHAIRMAN: Mr. Hanna, are you going
19 to go much further in this area, because this an area
20 that we have dealt with?

21 MR. HANNA: Well, I was planning on going
22 a little bit further, Mr. Chairman. I have about four
23 more questions I wanted to deal with on this subject
24 and I do feel it's an important subject for me to deal
25 with.

1 THE CHAIRMAN: Well, okay. Let's deal
2 with it. We are not going to go into ranking and
3 weighting to a large extent on this panel. We have
4 covered that topic in previous evidence to a certain
5 extent, and you can bring out with your own case,
6 evidence concerning what you feel must be included in
7 terms of any proposed management system, but if you
8 want to ask a couple of more questions on this area, go
9 ahead then.

10 MR. HANNA: Q. Mr. Bisschop, I would
11 like you to look at, I believe it is Exhibit 844 which
12 was the overhead that I believe - I'm not sure who
13 introduced it - it was the overhead that Mr. Freidin
14 referred me to yesterday. And I am particularly
15 looking --

16 MR. FREIDIN: They were overheads which
17 were used in Part 11, Document 2. Let's see.

18 MR. HANNA: (handed)

19 MR. BISSCHOP: Those would be the sets of
20 overheads that I used.

21 MR. HANNA: Q. I would like you to look
22 at page E. I am looking particularly there at the
23 second part to do with the environmental analysis.

24 MR. BISSCHOP: A. Yes.

25 Q. Now, identifying potential affects,

1 would you accept that that is in essence a rating; an
2 assessment of the impact, physical characteristic?

3 A. A rating?

4 Q. Yes.

5 A. No, I would suggest that it is simply
6 a descriptive identification of what are the
7 possible -- the potential effects of the particular
8 alternative you are looking at. It is descriptive.

9 Q. You are familiar with the difference
10 between a rate and a weight?

11 A. I'm not sure that I am.

12 Q. Well, perhaps I will put that off.
13 We are going to deal with it in the next paper and I
14 will come back to it at that time. Could we move now
15 to the last paper in the package which is the Hoglund
16 and Buck paper.

17 MR. HANNA: Mr. Chairman, I would like to
18 try and finish this before a coffee break and then
19 perhaps we could have a break after I finish this
20 paper.

21 THE CHAIRMAN: Very well.

22 MR. HANNA: Q. I would like to look at
23 the second sentence there on page 221, if we could, Mr.
24 Bisschop.

25 And perhaps just to tell you where I am

1 coming from on the questions I am going to ask you
2 here, it is my understanding that in the southwestern
3 environmental assessment that use was made of
4 mathematical decision support techniques; is that
5 correct?

6 MR. BISSCHOP: A. Yes. I understand
7 that from this paper, yes.

8 Q. What I wanted to examine is how it
9 was applied in this case and whether, in your view,
10 that same approach could be applied in the timber
11 management planning process if it was deemed necessary?

12 THE CHAIRMAN: Well, Mr. Hanna, are we
13 getting into quantification here of the data?

14 MR. HANNA: No, sir, at all. We are
15 talking here about how you analyse -- how you arrive at
16 decisions in terms of environmental assessments, the
17 decision process.

18 This is the planning process that was
19 used in this particular case and how the environmental
20 assessment was undertaken, and I'm looking at this
21 process and how this process might apply to the timber
22 management planning process. Why it might not apply in
23 the opinion of this witness.

24 THE CHAIRMAN: Well, why don't we go
25 directly to the question that you are putting to Mr.

1 Bisschop.

2 Mr. Bisschop, you are familiar with the
3 involvement of mathematical models and whatnot for the
4 use in the Hydro assessment. Would they be applicable,
5 in your view, to the timber management planning
6 process?

7 MR. BISSCHOP: Mr. Chairman, I must
8 confess that I only became aware that this practice was
9 employed in the Hydro study upon receiving and reading
10 this paper. I wasn't even aware of it.

11 My observations having, read the paper,
12 is that the mathematical techniques were used as a tool
13 to, in effect, assess whether the professional judgment
14 decisions that had been made were defensible and my
15 understanding in summation of reading the paper is that
16 professional judgment decisions were made amongst the
17 alternatives and the conclusion was made.

18 In every instance, as I can understand
19 it, the application of the mathematical tool confirmed
20 all of those judgmental decisions and...

21 MR. MARTEL: Is this just a form of a
22 check then as opposed to used as a tool in the planning
23 or arriving at decisions?

24 MR. BISSCHOP: That's my reading of the
25 paper. I think what's revealing - and in my own view,

1 my own professional view - is the ultimate conclusion
2 that was made, particularly at the Board hearing on the
3 subject in which the Board ultimately concluded - and I
4 could refer you to the very last paragraph on the
5 paper, the second sentence -- the second and third
6 sentences, if you will - in which the Board concluded
7 that the exercise in numbers ultimately didn't even
8 constitute evidence, rather that it represented an
9 attempt, in the case of Hydro who used the technique to
10 assess their professional decisions, as an additional
11 way for them to interpret the information that was
12 available to them and they drew the same conclusions.

13 Others at the hearing, from my reading,
14 attempted to use the number crunching, if you will, to
15 draw different conclusions and the Board concluded that
16 the use of all of that was simply an attempt to assess
17 or interpret the actual evidence.

18 Now, that's my understanding based on
19 reading this yesterday afternoon and last night, that I
20 think what it concludes is the importance and validity
21 of professional judgment in decision-making and, in
22 this case anyway, all the number crunching in the world
23 simply confirmed the same conclusions.

24 I could add that in my experience in the
25 Hydro situation for the system stage at which I

1 attended the Joint Board hearing, all of our number
2 crunching led us to one conclusion that the Board
3 ultimately rejected; and, in turn, six years later our
4 original conclusion was the decision of the Board. We
5 ended up where we were from our judgmental - and in
6 that case the numbers confirmed our judgment - we ended
7 up at the same point where we would have been five, six
8 years before.

9 THE CHAIRMAN: Mr. Bisschop, would you
10 consider in the context of this hearing that number
11 crunching would materially assist the planning process
12 to the extent that you don't use mathematical models or
13 mathematical tools to confirm the judgments made by the
14 planning teams at this point in time?

15 MR. BISSCHOP: My view is it wouldn't
16 assist.

17 THE CHAIRMAN: Would not?

18 MR. BISSCHOP: Would not.

19 THE CHAIRMAN: Right.

20 MR. BISSCHOP: That we are dealing with
21 professional judgments, contributions from interested
22 and affected parties in arriving at decisions.

23 In the case of an undertaking such as the
24 Hydro example, my feeling is that they were dealing
25 with a major controversial undertaking, they wanted to

1 be as absolutely sure as possible going to the hearing
2 that they had a defensible submission to the Board and
3 they used the technique as one more tool in their
4 arsenal to support the decision that they had
5 collectively come to as a professional planning team.

6 THE CHAIRMAN: Thank you.

7 MR. HANNA: Q. Despite the decision of
8 the Board, is it your reading of this paper that these
9 authors at least still are firmly of the view that
10 these techniques have a role to play, an important role
11 to play in environmental assessment?

12 MR. BISSCHOP: A. Yes, and particularly
13 in the kind of situation like this where you are
14 dealing with a large number of alternatives and you
15 have to somehow come to grips with all of the
16 information that you are trying to assess in comparing
17 alternatives, narrowing down the range of alternatives
18 and ultimately selecting one. There is no question
19 that, in this particular situation, it was a useful
20 additional tool to use.

21 Q. And they describe some of the values
22 of that on page 221 when they say it can be useful for
23 providing the problem with a series of smaller
24 decisions; useful to, if you will, make the decisions
25 traceable so the people can follow through how the

1 decision was made, and also for testing the sensitivity
2 of decision?

3 A. That's correct. And in that, in sum
4 total, I think they are saying it is a useful tool to
5 assist in decision-making.

6 Q. Is it your view that there is
7 substantial external interest and scrutiny of decisions
8 made in at least some timber management plans?

9 THE CHAIRMAN: Substantial external
10 interest, did you say?

11 MR. HANNA: Yes, Mr. Chairman. I am
12 using the words directly out of this paper.

13 THE CHAIRMAN: What is meant by external
14 interest, you mean the interest of the public?

15 MR. HANNA: Q. Mr. Bisschop, what is
16 your interpretation of where they say situations:

17 "...where there is a substantial external
18 interest."

19 MR. FREIDIN: Where are you referring to?

20 MR. HANNA: On page 221 at the top of the
21 right-hand column.

22 MR. BISSCHOP: In simple terms, I would
23 interpret that as large numbers of interested and
24 potentially affected parties.

25 MR. HANNA: Q. When using that

1 definition, would you agree that there is a substantial
2 external interest and scrutiny of the decisions made in
3 at least some timber management plans?

4 MR. BISSCHOP: A. In some, I would
5 suggest not most in the sense that in most there is a
6 significant interest by a few affected parties, and
7 those can be quite significant, but I don't think in
8 most plans it is a broad interest involving large
9 numbers of the public. There are some.

10 Q. Now, my understanding is that there
11 is two model types, if you will, decision support tools
12 that are described here; one is what is called the
13 analytic hierarchy process and the other is a simple --
14 what's called a simple weighting summation model?

15 A. Yes.

16 Q. In each of those cases, was it not
17 necessary to develop weights and rates?

18 MR. FREIDIN: I am just wondering, Mr.
19 Chairman. I think the witness has already given his
20 opinion on the weighting summation model and referred
21 the Board to the conclusion of the Board in that
22 particular case, not accepting that particular approach
23 and indicating disagreement with that.

24 I don't know why this line of questioning
25 is going to be of any assistance.

1 MR. HANNA: My only point in the line of
2 questioning, Mr. Chairman - and it is back to the
3 Exhibit 844 that I didn't finish dealing with - and
4 that is simply -- and perhaps we can truncate much of
5 this by seeing if Mr. Bisschop will agree that in order
6 to arrive at a decision, whether it is through a
7 mathematical decision support tool or whether it is
8 through professional judgment, that weighting has to be
9 done either explicitly or implicitly.

10 THE CHAIRMAN: Are you going to agree to
11 that, Mr. Bisschop?

12 MR. BISSCHOP: First of all, Mr.
13 Chairman, I have indicated that I'm not sure I
14 understand the difference between rate and weight; I
15 have difficulty with it.

16 I read of these techniques for the first
17 time yesterday. I confess I don't understand too
18 clearly just from reading how the whole approach works.
19 I'm not sure I can be all that useful to Mr. Hanna or
20 the Board in terms of providing --

21 THE CHAIRMAN: Well, there is no sense in
22 speculating if you are taking the position that you are
23 not an expert in that area and can't provide us with,
24 essentially, your professional opinion.

25 MR. BISSCHOP: And that's my position.

1 MR. HANNA: Mr. Chairman, we are moving
2 around here at an alarming rate. I think we may be
3 finished -- people might want to change their plane
4 reservations. We may be -- Mr. Martel, you may even
5 catch the early plane out.

6 THE CHAIRMAN: Well, we don't want maybes
7 here, Mr. Hanna. If we change our reservations and we
8 can't get the later flight afterwards, you are in big
9 trouble.

10 MR. HANNA: Anyways, we have progressed
11 fairly quickly here this morning, Mr. Chairman, and I
12 think it's probably an appropriate time for a break
13 and, as I say, it is looking very promising to finish
14 today.

15 THE CHAIRMAN: Okay. Thanks very much.

16 We will break for 20 minutes at this
17 time.

18 ---Recess taken at 10:20 a.m.

19 ---On resuming at 10:50 a.m.

20 THE CHAIRMAN: Thank you. Be seated,
21 please.

22 MR. HANNA: Mr. Chairman, I would like to
23 move now on to the topic that was raised in Panel 11
24 and I was asked at that time to be deferred to Panel 15
25 and that is the national forest sector strategy.

1 What I would like to look at with respect
2 to the national forest sector strategy is how some of
3 the recommendations in MAD meld with the timber
4 management planning process that's being proposed by
5 the proponent.

6 Q. Mr. Bisschop, can we look first at
7 Exhibit 593, please, and specifically page 10.

8 MR. HANNA: Mr. Chairman, the public has
9 arrived I think.

10 MR. MARTEL: You have a captive audience.

11 THE CHAIRMAN: I always speak too soon.

12 MR. HANNA: Your words have been heard.

13 THE CHAIRMAN: That's right.

14 MR. MARTEL: They're students.

15 THE CHAIRMAN: I don't know who made the
16 phone call, but obviously one might have been made.

17 MR. HANNA: Q. Mr. Bisschop, you have
18 got page 11?

19 MR. BISSCHOP: A. Page 11?

20 Q. I'm sorry, page 10.

21 A. Page 10. I was busy reading page 10
22 again.

23 Q. Excuse me, I'm talking page 10 of
24 593. Maybe yours doesn't have -- when we introduced
25 this exhibit we actually wrote in I believe page

1 numbers on the pages.

2 THE CHAIRMAN: It has got pages at the
3 bottom in Roman numerals and also in Arabic.

4 MR. HANNA: Yes, Mr. Chairman. I
5 believe, at least in mine, I have...

6 THE CHAIRMAN: Do you have a page that
7 has a heading -- are you on the one that has the
8 heading Concerns?

9 MR. HANNA: No, I'm not, Mr. Chairman.
10 It's actually Roman numeral page (ii), it is the chart
11 that is shown there, Events Leading to Development.

12 THE CHAIRMAN: Okay.

13 MR. FREIDIN: It is the implementation
14 progress report we are looking at?

15 MR. HANNA: Yes, it's Exhibit 593.

16 Q. Now, the first boxes there dealing
17 with the forestry forums and the National Forest
18 Congress, it is my understanding that the results of
19 that were published in the Forestry Chronicle. Are you
20 familiar with that?

21 MR. BISSCHOP: A. No, in all honesty I
22 am not at all familiar with it.

23 THE CHAIRMAN: Are you familiar with the
24 National Forest Policy at all?

25 MR. BISSCHOP: Very, very vaguely, Mr.

1 Chairman. Even these papers, I must admit I only read
2 them, and only part of them, in the last day.

3 THE CHAIRMAN: Is anybody else on the
4 panel familiar with the National Forest Policy?

5 MR. KENNEDY: I am familiar with these
6 two papers, Mr. Chairman.

7 THE CHAIRMAN: With the two papers?

8 MR. KENNEDY: Yes.

9 THE CHAIRMAN: Okay.

10 MR. HANNA: Perhaps Mr. Kennedy and Mr.
11 Bisschop here can share duties.

12 Q. The reason I am directing the
13 questions to you, Mr. Bisschop, the types of questions
14 I am asking are dealing with environmental planning and
15 being the prime author of the Class EA I felt that you
16 would be the appropriate one to answer it. But, Mr.
17 Kennedy, I am certainly welcome to have your views on
18 it.

19 Were there any modifications made to the
20 proposed timber management planning process as a result
21 of discussions leading up to the National Forest Sector
22 Strategy and the National Forest Sector Strategy
23 itself? Mr. Bisschop?

24 MR. BISSCHOP: A. Nothing that I could
25 make a direct link to the strategy. If there were any

1 modifications that reflected some of the commentary in
2 this document, it would have been by coincidence.

3 Q. I am going to be referring to both
4 these documents, so if you can keep them both in front
5 of you. I would like to now look at page 5 of Exhibit
6 589.

7 THE CHAIRMAN: Is that (v) in Roman
8 numerals of the preface?

9 MR. HANNA: No, Mr. Chairman, this is
10 Arabic numerals. It is under the Forest and Its
11 Management.

12 THE CHAIRMAN: Very well.

13 MR. HANNA: Q. And specifically I'm
14 looking at paragraph No. 5 and the second sentence
15 which says:

16 "Management activities required to
17 define objectives in concrete and
18 measurable terms."

19 Do you agree with that statement?

20 MR. BISSCHOP: A. Yes.

21 Q. Does your answer apply to both timber
22 and non-timber resources?

23 A. In the context of timber management
24 plans, it applies to timber resources. I don't see it
25 as applying for other resources in terms of the timber

1 management plan outlining objectives with what I would
2 call measurable dimensions of the objectives being
3 targets expressly being stated in a timber management
4 plan. I don't believe a timber management plan is the
5 place to define those measurable elements of non-timber
6 resources.

7 Q. Can we turn to page 6 under Forest
8 Wildlife Management. I believe the italics are the
9 recommendations, the regular type is the discussion
10 leading up to that.

11 And I am looking at the recommendations
12 and the second paragraph there of the recommendations.
13 This is dealing with the need for forest managers and
14 wildlife managers to cooperate in the review of
15 development of forestry, fisheries, wildlife and
16 integrated management.

17 And, in reviewing that, they are
18 suggesting that the establishment of short- and
19 long-term objectives for wildlife would be appropriate.
20 Would you agree with that?

21 A. I agree it's appropriate. Where I
22 would -- what I would say is that it is appropriate,
23 but not necessarily specifically in the context of a
24 timber management plan.

25 I think the approach that the Ministry

1 takes is that we recognize that that is necessary and
2 we deal with this dimension of objectives for various
3 resources in various resource management plans;
4 objectives specifically related to wildlife and
5 quantification of that are appropriately addressed in
6 resource management plans for wildlife.

7 Q. The third bullet is converting
8 wildlife information to usable forest technology. Can
9 you give me your interpretation of that?

10 A. To be quite frank, I have difficulty
11 understanding it, converting information into usable--

12 Q. Well, perhaps I can --

13 A. --technology. I really don't
14 understand.

15 Q. Perhaps I can ask the question of Mr.
16 McNicol. Is it your view that habitat supply analysis
17 is an effective means of achieving the conversion of
18 wildlife information into usable forest technology?

19 MR. McNICOL: A. I would suggest that
20 it, as you say, is a tool, certainly a useful tool in
21 helping to make those kind of decisions, yes.

22 Q. Mr. Bisschop, the last bullet deals
23 with the examination of costs and benefits to support
24 the enhancement of wildlife habitat.

25 Now, I believe the Board has heard

1 considerable evidence that through timber management
2 wildlife biologists achieve most of their enhancement
3 of wildlife habitat objectives. And I am wondering, in
4 the proposed timber management planning process, is an
5 examination of costs and benefits of this nature
6 provided?

7 MR. BISSCHOP: A. Not in any sort of
8 rigorous explicit sense in terms of specifically
9 addressing costs and benefits which I would equate to
10 advantages and disadvantages or the other way around.

11 We do look at what are the implications
12 of our activities in terms of the disadvantages of
13 carrying out certain activities in terms of wildlife.
14 In some instances there is -- or in many instances
15 even, there is enhancement of wildlife benefits. It's
16 addressed in our planning, particularly through area of
17 concern planning, but in terms of --

18 Q. Mr. Bisschop, I hate to interrupt. I
19 think the Board has heard this before. I appreciate
20 you are trying to explain it to me, but I think the
21 Board is well aware of how the Ministry does its
22 planning. I think simply to say no and I think that
23 will suffice and we can go quickly.

24 A. Well, my answer would --

25 MR. FREIDIN: Well, don't tell him to say

1 no. Perhaps ask him if the answer is no. Don't tell
2 him what to say.

3 THE CHAIRMAN: Hard to lead a witness in
4 cross-examination.

5 MR. BISSCHOP: No, there is no --

6 THE CHAIRMAN: Well, I think what Mr.
7 Hanna is saying is: Let's get to the bottom line on
8 the question, and do you follow what's in bullet 5 in
9 terms of the timber management planning process? Do
10 you carry out --

11 MR. BISSCHOP: We don't in any explicit
12 sense speak in terms of costs and benefits. I would
13 suggest we address those elements in our
14 decision-making.

15 MR. HANNA: Q. Thank you. Now, on page
16 9 under Land Use Issues at the bottom of the page, and
17 the recommendation there I guess by this time we'd
18 probably say is a motherhood issue, but it's
19 recommended that the forest sector encourage public
20 participation in developing forest management
21 objectives. Do you see the emphasis there on
22 objectives?

23 MR. BISSCHOP: A. That's correct.

24 Q. Now, given that in the timber
25 management plan process as proposed that the objectives

1 for non-timber values are stated in qualitative terms,
2 is it realistic to expect meaningful public involvement
3 and public input in developing these objectives?

4 A. In terms of a timber management plan,
5 there are the two objectives that deal with integrated
6 resource management and environmental concerns.

7 I think it's the public's role in terms
8 of -- it is not so much in terms of contributing to the
9 definition of those objectives, rather it is directed
10 to the practicality of their achievement through the
11 various measures of public consultation in the
12 development of the plan and ensuring that concerns and
13 interests of interested parties are addressed.

14 So there is really -- I guess I would say
15 there is really no strong role in terms of the public
16 contributing to the definition of the objective in a
17 timber management plan, but I think when it does come
18 to other resources there is an appropriate role for the
19 public in defining the objectives for those resources
20 in other resource management plans.

21 Q. Can we turn to page --

22 A. And if I could, I'm not sure that the
23 example has come up - and, again, it's simply from my
24 understanding and my reading - there is currently I
25 believe a wildlife management plan being produced for

1 the Aulneau Peninsula and my reading was from a
2 newspaper article I will admit, but the newspaper
3 article I believe translated the objectives for that
4 plan. They were recorded in a newspaper article and I
5 believe that those objectives were developed and were
6 being reviewed publicly.

7 Q. And those are being developed
8 concurrently with the timber management objectives?

9 A. In that instance?

10 Q. Yes.

11 A. I'm not certain.

12 Q. Mr. McNicol, in what portion of the
13 province do we have wildlife management plans of the
14 sort that - perhaps I'll say not the province - the
15 area of the undertaking, of the nature that Mr.
16 Bisschop just referred to?

17 MR. McNICOL: A. It would be very small.

18 Q. Thank you. Can we turn to page 10,
19 please, Mr. Bisschop. I'm looking at the third
20 paragraph and the third sentence there, it starts with
21 "Residents..." It says:

22 "Residents, including the forest
23 industry, the recreation industry and
24 wildlife conservationists, as well as
25 other users, should participate in

1 defining the objectives for the area in
2 concrete and measurable terms and then
3 the appropriate resource managers must
4 rationalize production of economic,
5 biological and social benefits and return
6 to the users with alternatives and the
7 objectives redefined."

8 MR. FREIDIN: I'm sorry, Mr. Hanna, my
9 page numbers may be different than yours. What page
10 are you looking at?

11 MR. HANNA: Page 10 of Exhibit 589.

12 THE CHAIRMAN: 10 is up at the top left
13 corner.

14 MR. FREIDIN: I had the wrong page
15 number, sorry.

16 MR. HANNA: Q. Now, the first thing I
17 would like to get sorted out is your interpretation
18 there, Mr. Bisschop, of what is meant by 'for defining
19 the objectives for the area'. Do you interpret that as
20 being, in this case, a forest management unit?

21 MR. BISSCHOP: A. No. My understanding
22 of reading that paragraph is that it deals with the
23 kind of planning that I would equate to what goes on in
24 and what went on during district land use planning.

25 And in district land use planning there

1 was the element of defining objectives for various
2 resource programs and looking at the subject that I
3 believe the second sentence addresses:

4 "Normally planning is undertaken to
5 ensure land is allocated to its best
6 use..." et cetera.

7 That kind of -- you will see the
8 discussion of this paragraph and that kind of
9 consideration being the planning that was done during
10 district land use planning and then, as we have
11 indicated many times, we go into the next level of
12 planning, resource management level planning
13 specifically for individual resources and, in timber
14 management plans, we address the subject of objectives
15 for management of the timber resource.

16 Q. So you basically separate the timber
17 and the wildlife; you deal with wildlife populations
18 and habitat on one side and timber on the other?

19 MR. FREIDIN: Haven't we gone through
20 this ad nauseum for the last 18 months, how the
21 Ministry in fact has individual resource management
22 plans and why they have done it.

23 THE CHAIRMAN: Yes. Mr. Hanna, I don't
24 think we can embark in this cross-examination on a
25 rehash of the Ministry's planning process which I think

1 is well defined and before us at this time.

2 You may not agree with it, your client
3 may not agree with it, but it is what they do.

4 MR. HANNA: Q. Mr. Bisschop, based upon
5 our discussion yesterday on the Temagami advisory
6 council, is not essentially what they are setting up
7 and attempting to do there and what the Ministry has
8 called model management very comparable to what is
9 described in this paragraph?

10 MR. BISSCHOP: A. On the basis of my
11 understanding of what's going on in Temagami, I think I
12 could answer, yes, it is comparable to what this
13 paragraph is talking about.

14 Q. Mr. Multamaki, in the Red Lake Crown
15 Management Unit Timber Management Plan, did the public
16 make any suggestions to modify the objectives for the
17 plan and particularly those that were concrete and
18 measurable?

19 MR. MULTAMAKI: A. No, the public made
20 no comments or suggestions to modify the plan
21 objectives.

22 Q. Did this surprise you?

23 A. No, it did not.

24 Q. Did you make any special efforts to
25 obtain those sorts of views other than the public open

1 houses and whatever? Was there any special measure to
2 try and draw that out of the public?

3 A. As I understand your question, you
4 mean: Did I go out and ask members of the general
5 public whether or not in fact we should be doing things
6 like practising sustained yield, managing the forest
7 for production of raw materials for industry and so on?

8 Q. No. What I am saying is, I am
9 talking here about concrete measurable objectives, and
10 I think that's a very clear theme that runs through
11 this National Forest Sector Strategy.

12 And I am asking: Were those types of
13 views attempted to be elicited from the public, whether
14 it is going door-to-door, whether it is through your
15 public open houses or whatever other mechanism that the
16 Ministry chose to use?

17 MR. KENNEDY: A. Mr. Hanna, perhaps I
18 should draw your attention to the term and condition
19 No. 7 in Exhibit 700 where at our public information
20 centres we do provide copies of draft objectives and
21 strategies for the management unit, and it is through
22 that fashion very early on in the planning process we
23 do make the public aware of what we feel are
24 appropriate objectives and strategies to achieve them
25 and ask for public review and comment on them, and I

1 believe in that fashion we are obtaining -- we are
2 providing an opportunity and, as we talked about
3 earlier today, having that opportunity there doesn't
4 necessarily mean that individuals will provide
5 comments, but that opportunity is there for individuals
6 to come forward or groups to come forward and comment
7 on those objectives specifically at the local level for
8 the management unit.

9 MR. MULTAMAKI: A. I think, Mr. Hanna,
10 as well, if you look at page 33 of Exhibit 814, which
11 is the Red Lake Crown Plan, you will notice that there
12 is a fuel wood objective and, in fact, this is a local
13 objective for the Red Lake Crown and it recognized the
14 local situation with respect to fuel wood supply for
15 local use; i.e., heating houses and so on.

16 And in fact I think what, as I understand
17 it, you are getting at: Did the public have an
18 influence on the objectives?

19 I would say that this objective
20 specifically on page 33 was the result of public input
21 or public concerns with the available fuel wood supply
22 and, in fact, we identified that as an objective for
23 the Red Lake Crown Management Unit.

24 MR. KENNEDY: A. Mr. Hanna, you are
25 asking: Have we used any questionnaires to assist us

1 in the development of the objectives. I can recall one
2 specific situation from my experience in the Dryden
3 District where we provided an additional information
4 centre at the outset of planning, something that was
5 not required.

6 But we were curious as to public views on
7 a variety of matters, particularly the manner in which
8 the timber allocations have been occurring the previous
9 years and we specifically sent out questionnaires and
10 held a special information centre earlier in the
11 exercise than is required by the process to allow the
12 public an additional opportunity and to allow the
13 managers at the outset of the process to have a better
14 understanding of what the public interest were on
15 subjects that we thought were key to the planning
16 process.

17 Q. Mr. Bisschop, can we move to page 10
18 of Exhibit 593, please. I'm looking at the second
19 bullet dealing with integrated resource planning, top
20 of the page.

21 MR. BISSCHOP: A. On page...?

22 Q. 10.

23 A. Sorry, I had the wrong page. Yes.

24 Q. Now, the second sentence says
25 there -- well, the point is the integrated resource

1 planning has changed and land use planning based on
2 economic and social cost/benefit analysis is becoming
3 the accepted standard.

4 Now, I presume that this includes timber
5 management planning in your view, seeing that this is a
6 National Forest Sector Strategy?

7 MR. KENNEDY: A. Excuse me, Mr. Hanna, I
8 am not sure I was following you. Are you referring to
9 the last sentence in that paragraph that talks of land
10 use planning?

11 Q. Yes. I am asking Mr. Bisschop, is
12 timber management planning, in his view, a subset of
13 land use planning; does he interpret that in that way?

14 MR. BISSCHOP: A. First of all, I'm not
15 sure what they refer to as land use planning here,
16 whether it is meant to involve, for example in the
17 Ontario situation, both land use planning and resource
18 management planning.

19 Q. Perhaps just to help you, Mr.
20 Bisschop. The way this is set up is they have parsed
21 up the National Forest Sector Strategy in terms of
22 different recommendations, and if you look on page 9
23 there is four -- or three recommendations there that
24 have been, if you will, lumped together and then they
25 go through this standard format, they talk general

1 comments, achievements and then concerns.

2 So if you look at those three
3 recommendations I think it gives you a pretty good idea
4 of what it is they are talking about in this particular
5 section.

6 A. In that sense, if the reference is to
7 all planning from what we call land use planning
8 through individual resource management planning, then,
9 yes, the subject of economic and social implications is
10 and ought to be addressed in all levels of planning.

11 Q. But they didn't say social
12 cost/benefit implications, they speak very specifically
13 here in what are the standard econ -- or technical
14 terms, economic and social cost/benefit analysis, which
15 has a very specific technical meaning; does it not?

16 A. I understand that it does. I'm not
17 sure whether, in their use of the words here, they are
18 speaking very technically or very generally. I am
19 making a general interpretation of their use of the
20 term social -- I mean, sorry, cost/benefit analyses.

21 Q. Is this an accepted standard in
22 Ontario?

23 A. Given my general explanation of
24 cost/benefit analyses, looking at the advantages and
25 disadvantages of carrying out activities; yes, it is a

1 practice in Ontario.

2 MR. FREIDIN: We will rely on the
3 evidence of Mr. Clark to indicate that more formal
4 cost/benefit analysis have been done in those
5 circumstances where it has been felt appropriate. It
6 is not something which is foreign, it is something
7 which is used in particular situations.

8 MR. HANNA: It is not a regular
9 component, however, of the timber management planning
10 process, I think.

11 THE CHAIRMAN: Well, Mr. Hanna, we dealt
12 with Mr. Clark who was put forward as the person on
13 behalf of the Ministry to speak with respect to the
14 social and economic impacts, and he indicated clearly
15 to the Board how the Ministry conducts those various
16 studies and he presented, as you are aware, several
17 charts, so to speak, going through the various
18 interests out there and how they are addressed.

19 And as Mr. Freidin has pointed out, in
20 some cases they have gone to a more extensive type
21 analysis where they felt it was necessary.

22 MR. HANNA: Fine, Mr. Chairman, I will
23 take that direction. I just simply note that I did
24 attempt to ask these questions to Mr. Clark in Panel 11
25 and it was at that point that it was deferred to Panel

1 15. So that is the reason why I am asking it at this
2 point, it was decided that it had to deal with the
3 planning process and these questions be dealt with
4 there.

5 Q. Can we turn to page 12 of Exhibit
6 593. This is listing the concerns arising out of the
7 recommendation that we spoke to before regarding short-
8 and long-term objectives for wildlife, converting
9 wildlife information into useful technology, et cetera.

10 Now, bullet 3 refers to this matter of
11 dealing with non-timber values as part of - or you use
12 the term here - forestry logging as opposed to a
13 constraint. Are you familiar with the two perspectives
14 put forward in terms of dealing with non-timber values
15 as either constraints or objectives?

16 MR. BISSCHOP: A. I am familiar with
17 that.

18 THE CHAIRMAN: What is the question based
19 on this, Mr. Hanna, because we have dealt with parts of
20 this. What question are you getting at?

21 MR. HANNA: Well, I wanted to ask the
22 question to the witness that, is not the Temagami
23 initiative essentially a response to that third
24 concern; in other words, that we need to integrate
25 resource management as opposed to dealing with it in

1 discreet packages.

2 THE CHAIRMAN: Well, you can answer that
3 question, Mr. Bisschop, but I think the Board wants you
4 to focus on the fact that we have evidence in front of
5 us I believe - and correct me, Panel, if we are wrong -
6 that Temagami was handled in a particular fashion due
7 to particular issues which arose in the Temagami
8 situation and, for whatever reason, the Ministry or the
9 government at large decided to deal with the Temagami
10 situation in a particular manner.

11 And I believe you indicated yesterday
12 that the Ministry's position is that that particular
13 way of addressing the Temagami situation is not
14 necessarily, in the Ministry's view, applicable to
15 other areas --

16 MR. HANNA: Mr. Chairman -- I'm sorry.

17 THE CHAIRMAN: Just a minute. And the
18 process that the Ministry has put forward for the
19 entire area of the undertaking does not necessarily
20 encompass what was specifically done in the Temagami
21 situation. Is that a reasonably fair synopsis of what
22 we heard between yesterday and today?

23 MR. BISSCHOP: That's correct.

24 MR. HANNA: Mr. Chairman, there is one
25 point that I would draw attention to; and that is, in

1 the literature that was introduced - and I believe I
2 can produce more, but I don't think it is necessary at
3 this point - is that the Ministry is putting this
4 forward as model management. It's not saying --

5 THE CHAIRMAN: Well, we went through the
6 term model yesterday and specific questions were asked
7 of Mr. Bisschop and, you know, what is meant by model
8 management, et cetera, and he went into some length
9 into explaining that there were a particular set of
10 issues in terms of Temagami which was handled in a
11 specific fashion, and he went further on to say that,
12 in his view, everything that was done in Temagami does
13 not necessarily have to be carried out in every other
14 unit or timber management planning process with respect
15 to the area of the undertaking.

16 I mean that was, I believe, your
17 position; if we are wrong, please state it at this
18 point.

19 MR. BISSCHOP: That's it exactly. It is
20 a unique set of circumstances that caused the
21 government to react in the way they did.

22 MR. HANNA: Mr. Chairman, I appreciate
23 that and that's fine. What I'm attempting to do here
24 is saying that there seems to be movement, at least at
25 the national level, a very high level of people that

1 this is a direction to go on.

2 The Ministry, for whatever reasons, is
3 putting this forward as model management, and that's
4 their term and the --

5 THE CHAIRMAN: But they put it forward -
6 just a minute, Mr. Hanna - they put it forward with
7 respect to a unique set of circumstances.

8 And the Ministry has indicated that --
9 well, put it this way, Mr. Bisschop: Is because of the
10 way it was characterized in Temagami, is the timber
11 management planning process put before the Board less
12 than model management, in your view, therefore not as
13 good in your view; and, therefore, should be brought up
14 in all cases to the level of "model management" as
15 practiced in the Temagami situation?

16 Because, Mr. Hanna, for whatever reason -
17 I don't mean this in a derogatory fashion - seems to be
18 hung up on the word "model".

19 MR. BISSCHOP: I believe, Mr. Chairman,
20 in your question you asked me three questions and I was
21 trying to keep track of them to give you the simple
22 answer and I think I can say no to each of them, that
23 this process is not less -- and I have lost your other
24 questions in thinking up my answer.

25 But, in some ways I'm not sure how to --

1 how I would explain the term model management, I'm not
2 sure I have the understanding that is there in Temagami
3 about what that term means and what the government
4 means by that term.

5 I see it as attempting to address the
6 whole subject of natural resource management in that
7 area at one time and I do understand that as a result
8 of it we will end up with specific resource management
9 plans. In the case of timber --

10 MR. MARTEL: Would you agree it is
11 similar to what Hydro did in southwestern Ontario, to
12 get the community behind you to try and get an
13 acceptable solution to a problem?

14 MR. BISSCHOP: In that sense there is
15 that kind of similarity. You are dealing with a
16 controversial situation in which there is -- the
17 government is committed to active participation of the
18 interests there in coming to a resolution.

19 MR. FREIDIN: You were starting to say,
20 Mr. Bisschop, that you thought timber management
21 plans...

22 MR. BISSCHOP: As I understand, in the
23 situation in Temagami we will end up with individual
24 resource management plans coming out of that. So even
25 in the integrated model management approach that they

1 are taking there, we will end up with a timber
2 management plan that addresss specifically the
3 management of timber resources in that area and that
4 plan will be produced in conformity with the
5 requirements of the Class EA and the Timber Management
6 Planning Manual and we will end up with a plan -- a
7 timber management plan that deals specifically with
8 next the five years of operations commencing in 1992.

9 MR. HANNA: Mr. Chairman, I will truncate
10 this line of questioning, but just so that the Board
11 understands that I will be coming back to this probably
12 in my own case or, in fact, I think one of the people
13 that I will probably ask this question to is Dr.
14 Baskerville seeing that he was one of the authors of
15 the National Forest Sector Strategy.

16 THE CHAIRMAN: He will be here to answer
17 your questions.

18 MR. HANNA: The reason -- I just want to
19 make sure the Board understands why I was asking the
20 question so that you can see it wasn't totally without
21 some direction.

22 My concern is this; and, that is, we have
23 management today but what we are establishing today, in
24 my view, will probably be the precedent that will be
25 set in this province for 20 years or more, and I am

1 concerned that there is, if you will, a ground swell
2 going in a certain direction, we have got something
3 being brought before the Board that is perhaps in a
4 different direction and trying to see if there is a way
5 to reconcile it.

6 And I have gone as far as I think I can
7 with this witness on that subject, but that was the
8 purpose of those questions.

9 MR. KENNEDY: Mr. Chairman, I believe you
10 have heard evidence from this panel in regard to our
11 continued commitment to stay up to date with resource
12 management issues in our responsive nature to such
13 items as the Baskerville Report, et cetera, where we
14 have continued to update our planning process.

15 THE CHAIRMAN: Well, certainly when we
16 hear the opposition's case to this particular
17 undertaking we will have a different perspective to
18 what the Ministry has proposed in all likelihood and
19 our decision will be based on reviewing all of the
20 evidence from all of the parties.

21 MR. HANNA: Thank you, Mr. Chairman.

22 Q. I would like to move on to another
23 topic. It has to deal with the paper that was
24 presented at a conference entitled: Forest Investment,
25 A Critical Look. It is by a Mr. Oppen. I would like

1 to introduce that now if I could, Mr. Chairman.

2 THE CHAIRMAN: Very well. That will be
3 Exhibit No. 904.

4 MR. HANNA: (handed)

5 THE CHAIRMAN: Thank you.

6 ---EXHIBIT NO. 904: Article entitled: Forest
7 Investment, A Critical Look,
8 authored by Michael A. Oppen.

9 MR. HANNA: Q. Now, the author of this
10 paper is Mr. Oppen who is the Woods Manager of
11 McChesney Lumber Division, of E.B. Eddy Forest
12 Products.

13 And I am wondering, Mr. Bisschop, having
14 looked at this paper, the purpose of the presentation
15 was to provide for the conference a critical
16 examination of the Ministry's timber management
17 planning process; is that correct?

18 MR. BISSCHOP: A. Yes. As I understand
19 it, he was invited to be -- I'm not sure of the right
20 word to use.

21 Q. Candid?

22 A. Candid, provocative.

23 THE CHAIRMAN: And was the process that
24 he was reviewing the one before us?

25 MR. BISSCHOP: As I understand from
having read the paper last night, yes, and I know Mr.

1 Oppen and I know he has familiarity with the process
2 and has applied it.

3 MR. HANNA: Q. Can we look at page 4,
4 please. I am looking at the first full paragraph there
5 and I believe at the outset of this paper, just for
6 background, he did indicate that he was basing this on
7 his experience as an industrial forester applying the
8 process; is that correct?

9 MR. BISSCHOP: A. That's correct, that's
10 how I understand it.

11 MR. FREIDIN: And he clearly indicated
12 that it was his opinion and not necessarily the -- his
13 remarks would not be necessarily reflective of those
14 held by the forest industry in the province.

15 I just make that note in the absence of
16 Mr. Cosman who had to leave on an urgent matter to
17 Toronto.

18 MR. HANNA: Thank you, Mr. Freidin.

19 THE CHAIRMAN: Presuming that Mr. Cosman
20 would have made that--

21 MR. FREIDIN: I am sure he would.

22 THE CHAIRMAN: --addition.

23 MR. HANNA: Q. Now, the point that he is
24 drawing out here, at least from his own personal
25 experience, he has found it is very difficult to

1 rationalize the diversity of what he is calling forest
2 user requirements?

3 MR. BISSCHOP: A. He is saying that
4 the -- is your question: He is saying that the
5 exercise is difficult?

6 Q. Yes.

7 A. That's his view and there is no
8 question that it is a challenging exercise.

9 Q. Now, he lays out at the bottom of
10 page 4 what he calls the basic ingredients in his
11 planning recipe. I believe he then goes through the
12 paper and discusses each one of those; is that correct?

13 A. That's correct.

14 Q. First -- he discussed them in order
15 and the first he discussed is purpose and objectives,
16 and that's described starting on page 5.

17 Now, I was encouraged by his
18 interpretation of the timber management planning
19 process in that he sees it as attempting to obtain
20 benefits to all citizens of Ontario rather than a
21 continuous and predictable supply of wood?

22 A. Excuse me, are you saying that's what
23 he says this statement of purpose is?

24 Q. That's my interpretation of what he
25 said, yes, and do you agree with that?

1 A. That's what he is saying in the
2 beginning of that paragraph on page 5.

3 Q. Now, the reason that I noted that is
4 that I believe throughout this paper one of the common
5 threads is the need to provide greater economic
6 rationalization of timber management decisions in terms
7 of such things as cost/benefit analysis; is that not
8 correct?

9 A. Could you rephrase your question?
10 Are you asking: Is he saying that the process should
11 provide for that?

12 Q. Yes. And one of the major
13 limitations that he has identified in this paper is the
14 lack of - I think his term is - economic rationality or
15 something of that nature, in the timber management plan
16 decision-making process.

17 A. As I read this paper last night, my
18 thought on that was perhaps that subject area is not
19 explicitly expressed in the process, but I would put it
20 to Mr. Oppen that that's his job in terms of the
21 decisions he is making, that he rationalize in an
22 economic sense the decisions he is making for, in this
23 case -- in his case, his company in terms of decisions
24 on timber management that he is going to employ on
25 whatever units he is responsible for.

1 I don't see the process as explicitly
2 having to in detail set out something about that.

3 Q. Well, let's just go right to the core
4 of this. Take the hypothetical that we decided that we
5 were going to institute a formal cost/benefit analysis
6 procedure of some sort or another in the timber
7 management planning process.

8 If you set out the purpose of the
9 undertaking as to provide the optimum benefit to all
10 citizens of Ontario, you then have, if you will, a
11 guiding principle that can be carried through the
12 analysis. Do you follow that?

13 THE CHAIRMAN: You lost the Board.

14 MR. BISSCHOP: I understand what you are
15 saying in terms of if that were your statement of
16 purpose. My reaction is, it would certainly be a
17 difficult and challenging exercise then to set out
18 addressing that purpose.

19 THE CHAIRMAN: Mr. Hanna, I don't want to
20 break in at this time, but was this not the basis to
21 some extent of the discussion earlier on in the hearing
22 when we were dealing with what is before this Board,
23 and defining the purpose of the undertaking which, as
24 defined by the Ministry, was to provide a continuous
25 supply of wood for industry - I forget what the exact

1 wording is, but you get my drift I'm sure - as opposed
2 to dealing with the entire forest estate and somehow
3 that being contained as the principal purpose of this
4 particular undertaking which is before the Board for
5 approval?

6 And it is nice to view some of these
7 papers using a much broader purpose as the definition
8 and as the sort of framework for the planning process
9 for which we are considering, but that is not, as the
10 Board has determined early on in this hearing, the
11 purpose of the undertaking that's before us.

12 MR. HANNA: Mr. Chairman, I am certainly
13 very aware of that discussion about timber versus
14 forest management.

15 THE CHAIRMAN: And so we are not
16 prepared, quite frankly, to entertain at this time in
17 the context of this application the broader purpose
18 which might be suggested by this paper if you take, for
19 example, Mr. Oppen's first statement.

20 MR. HANNA: Mr. Chairman, I hear what you
21 are saying. My submission to you, and it certainly
22 will be a central part of my case and be a central part
23 of the final submission that we make to this Board, is
24 that this Board does not have the power to define the
25 undertaking, and that's been decided in a Divisional

1 Court Decision, and that the responsibility and power
2 to do that is clearly the proponent, however --

3 THE CHAIRMAN: That is what the court
4 appeared to say.

5 MR. HANNA: It certainly did. What the
6 court did not rule on and has not been addressed is
7 whether or not the Board has the power to define the
8 purpose of the undertaking. There is quite a
9 difference.

10 THE CHAIRMAN: Sorry, just run those last
11 couple of sentences by me again.

12 MR. HANNA: Yes. It is my position that
13 the Board does not have the power to define the
14 undertaking. Defining the undertaking is clearly the
15 responsibility of the proponent and, as I am sure the
16 Board is aware, the Divisional Court has ruled in that
17 respect.

18 THE CHAIRMAN: What's the difference
19 between undertaking and purpose?

20 MR. HANNA: The undertaking, in my
21 submission, is timber management planning. The purpose
22 of the undertaking is, as stated by the proponent, to
23 provide a predictable and continuous supply of wood.

24 THE CHAIRMAN: Well, okay. Again, I
25 don't want to interrupt, but that proposition that you

1 are now alluding to may be the subject of argument, I
2 would suggest, by all parties--

3 MR. HANNA: Yes.

4 THE CHAIRMAN: --at some stage down the
5 road because that is going to very seriously define or
6 delineate the context in which this Board makes its
7 decision on this application. And certainly we will be
8 inviting counsel for all parties, as well as--

9 MR. HANNA: Representatives.

10 THE CHAIRMAN: --your client,
11 representatives of other parties to address that issue
12 in their argument. And certainly if that's the
13 position that you are indicating your client is going
14 to take, I would suggest that there may be others that
15 may or may not agree.

16 But for the purposes of the examination,
17 the cross-examination of this client -- and you may put
18 that forward in your own side of the case to what
19 extent, not getting into the legal argument, but to
20 bring in aspects of your views. But we have determined
21 at the outset of this case that we are defining with
22 the undertaking as defined by the proponent with its
23 purpose set out, as we understand it, to provide a
24 continuous supply of wood.

25 MR. HANNA: Mr. Chairman, I would caution

1 the Board that the situation I can anticipate we might
2 get into is that if we get down the road and we decide,
3 or the Board decides that the argument presented by
4 those in favour of the Board having some power in
5 defining the purpose, the Board finds that compelling,
6 and that has implications that run through many aspects
7 of the application, and that parties have been
8 prevented from being able to explore those through the
9 course of the hearing, it could lead to, in my view, a
10 very difficult situation.

11 THE CHAIRMAN: Well, I guess at this
12 point counsel better consider these representations
13 only to this extent: We may have to determine earlier
14 than the end of the case if there is any distinction
15 between purpose and undertaking as utilized to this
16 extent.

17 MR. HANNA: Mr. Chairman --

18 THE CHAIRMAN: I understand your
19 position. If we are going to take the position that
20 the purpose is equal to the undertaking as defined by
21 the Ministry and as accepted by the Board initially,
22 vis-a-vis the entire forest estate, then it will make a
23 difference as to the type of evidence that the other
24 parties can address in their side of the case.

25 MR. FREIDIN: And I would suggest in

1 cross-examination.

2 THE CHAIRMAN: And the cross-examination
3 as we go along. So I leave it to everyone: Where are
4 we at this point in time?

5 MR. FREIDIN: Well, there certainly
6 aren't a lot of counsel here now--

7 THE CHAIRMAN: No.

8 MR. FREIDIN: --and I don't think I would
9 want to address that particular matter in the absence
10 of all other counsel.

11 And Mr. Hanna is not going to be very
12 long apparently in his cross-examination, so perhaps we
13 should continue at this particular point because it may
14 be a matter that the Board will be hearing some
15 comments on perhaps sooner as opposed to later.

16 MR. HANNA: Mr. Chairman, I would concur
17 with Mr. Freidin. If this matter can be dealt with as
18 early on as possible, I think there is a benefit to the
19 Board.

20 THE CHAIRMAN: Well, we may well have to
21 because it is going to, I'm sure, impinge upon how
22 other parties are going to present their side of the
23 case if this in fact turns out to be an issue as prima
24 facie it appears to be fast becoming.

25 MR. FREIDIN: I am just wondering whether

1 Mr. Hanna could happens provide some guidance or
2 instruction to those of us who are here as to what sort
3 of term or condition he believes, or order the Board
4 might actually fashion if in fact his submission is
5 correct.

6 Certainly it will help me in
7 understanding what he is thinking about in determining
8 exactly whether some submissions are required or not.

9 THE CHAIRMAN: You can understand the
10 difficulty before us, Mr. Hanna. We have a position in
11 this hearing to assess the undertaking in a certain
12 way, and if what you are saying is the case, that the
13 Board can in fact delineate the purpose of that
14 undertaking and that parties are going to address it in
15 opposition and are going to address it in their sides
16 of the case, we would like an indication of what the
17 parties feel the probable outcome is, given the fact of
18 the assessment that is presently before us.

19 I mean, if it is a matter of rejecting
20 the assessment outright and saying the environmental
21 assessment put forward by the Ministry is totally
22 inadequate, incomplete, unacceptable, we, as you are
23 aware, have the power to make such a ruling under
24 Section 12(2) of the Environmental Assessment Act.

25 We also have the power, of course, to

1 define that it is acceptable, and then proceed on to
2 the second decision as to whether the undertaking can
3 proceed in the form put forward or whether it should be
4 amended.

5 And the same thing goes to the assessment
6 document itself, we can order that the assessment be
7 accepted as amended, and you are aware, and I think the
8 parties are aware, that the Environmental Assessment
9 Board and Joint Boards in several cases have held that
10 the assessment constitutes a process as opposed to a
11 particular document. It also incorporates all of the
12 evidence admitted by the Board at the hearing.

13 MR. HANNA: Yes, Mr. Chairman. What I
14 would suggest --

15 THE CHAIRMAN: Just a moment. Ms.
16 Seaborn I think has a...

17 MS. SEABORN: Just one short submission,
18 Mr. Chairman. Two things.

19 First of all, we have not yet reached
20 Panel 17 of the Ministry's case where we are going to
21 be dealing with alternatives to the undertaking which
22 bear upon this issue; and, secondly, we have discussed
23 on Tuesday of this week a procedure whereby parties
24 will be looking at each others' terms and conditions,
25 and at that point, I would suggest early in the new

1 year, we will all have a better idea as to what
2 submissions the major parties at least will be making
3 to the Board as to what should happen with the
4 undertaking in terms and conditions.

5 So I wouldn't want to see this question
6 addressed too prematurely before we know --

7 THE CHAIRMAN: Well, we don't want it
8 addressed too prematurely, but the Board anticipates
9 that various parties are going to be preparing their
10 cases in such a manner so as to address this issue in
11 the particular way that that party wishes to, and it
12 may make a big difference as to the type of experts
13 they retain to put forward evidence, as well as the
14 composition of their own witness statements.

15 MS. SEABORN: I agree with that, Mr.
16 Chairman. All I am suggesting is that in the
17 formulation of the major parties' terms and conditions
18 when those come forward, that will give the Board, and
19 I would suggest the proponent, a better idea as to your
20 latter question as to whether parties are suggesting
21 the undertaking be rejected outright or whether it be
22 approved for --

23 THE CHAIRMAN: No, I don't care
24 necessarily whether the parties suggest that formally,
25 it is up for the Board to decide in any event.

1 MS. SEABORN: Of course.

2 THE CHAIRMAN: But what we are suggesting
3 is, is that some attention should be paid by all
4 parties to the purported distinction that Mr. Hanna is
5 putting forward as to the difference, if any, between
6 undertaking and purpose and how that should be
7 addressed.

8 And perhaps we don't want to get into a
9 position whereby it is argued at the end of the case
10 and should we be persuaded one way or the other, the
11 parties haven't had an opportunity in their own cases
12 nor in cross-examination to address it. Because
13 frankly if we reach that impasse - God forbid we did -
14 it is too late.

15 The Board would have little choice - if
16 it were persuaded that all of this opportunity for
17 parties to address it was not granted - to go back and
18 repeat a good part and, you know, it is something I
19 think has to be given serious consideration to.

20 MS. SEABORN: I agree, Mr. Chairman. I
21 am not suggesting it be left to the end, I'm just
22 bringing it to the Board's attention and subject to the
23 Board's order on this matter, there may be a procedure
24 that would be in place where counsel can address that
25 prior to taking the Board's time on the issue, and it

1 may be that some consensus can be reached without a
2 formal motion on the matter.

3 That's all I am suggesting.

4 THE CHAIRMAN: Okay. Well, what we are
5 suggesting is this: Mr. Hanna, proceed on as
6 expeditiously as you can with your questions in this
7 area at this time, and counsel and Mr. Hanna should be
8 getting together shortly afterwards and discussing how
9 this matter can be resolved either between the parties
10 or, if necessary, formally in front of the Board.

11 MR. HANNA: Thank you, Mr. Chairman.

12 ---Discussion off the record

13 THE CHAIRMAN: Go ahead.

14 MR. HANNA: Mr. Chairman, what I would
15 suggest is I would like to try and finish this before
16 lunch and if we can have maybe a half or three quarter
17 of an hour lunch sort of thing and come back and I hope
18 I can finish then.

19 THE CHAIRMAN: Very well.

20 MR. HANNA: I will finish.

21 THE CHAIRMAN: Go ahead.

22 MR. HANNA: Q. Mr. Bisschop, we had a
23 very rather convoluted question there and I believe the
24 Chairman indicated it was sufficiently convoluted that
25 I even confused the Board. I would like to try and

1 break it down a bit if I can.

2 Now, if we take benefits deriving to all
3 citizens of Ontario as indicated here by Mr. Opper as
4 the purpose of the undertaking, and we then accept his
5 proposition of the need for more economic
6 rationalization of timber management decisions, would
7 you not agree that that is a cogent framework upon
8 which to make that sort of analysis?

9 MR. BISSCHOP: A. I have difficulty
10 understanding your question.

11 MR. HANNA: Perhaps I will leave it, Mr.
12 Chairman, and deal with it later.

13 Q. Mr. Bisschop, this would be the last
14 paragraph on page 5, this is drawing attention to the
15 absence of a practical economic framework upon which to
16 make management decisions.

17 You are aware that the Ministry received
18 submissions to the same effect back as far as '83 on
19 the proposed timber management planning process to this
20 effect also?

21 MR. BISSCHOP: A. Through the
22 development of the Class EA, do you mean?

23 Q. Yes.

24 A. I am trying to recollect that far
25 back. I don't recall.

1 Q. Perhaps I can help you. It has been
2 entered as an exhibit, and that is the 1983 Ontario
3 Federation of Anglers & Hunters Brief to the Ministry
4 on the Class EA.

5 A. I recall their involvement in
6 presubmission consultation. I must admit I can't
7 recall the specifics of their submission.

8 Q. But there were no changes made to the
9 timber management planning process according to those
10 types of concerns that were brought forward by my
11 client, and I would submit to you other similar types
12 of submissions?

13 A. I believe - again, I should have the
14 benefit of that information - I believe the most
15 important change we made to address some of these
16 concerns was to very clearly identify the Class EA as
17 dealing with the subject of timber management when in
18 1983 the document was entitled: The Class EA for
19 Forest Management, and we made the change to very
20 explicitly address what we were seeking approval for in
21 the Class EA.

22 THE CHAIRMAN: Do you have something to
23 say, Mr. Freidin?

24 MR. FREIDIN: I will wait until Mr.
25 Hanna's next question to see whether I do.

1 MR. HANNA: Mr. Chairman, he's cheating,
2 he looked at my book.

3 MR. FREIDIN: I can't read your writing.

4 MR. HANNA: Q. On page 7, Mr. Bisschop,
5 the first paragraph there he deals with the problem of
6 incremental costs and the fact that dealing with what I
7 will suggest are other timber -- other Crown land use
8 concerns, that you end up having financial impacts on
9 the forest industry. Is that your interpretation of
10 that?

11 MR. BISSCHOP: A. That is his claim in
12 that paragraph, yes.

13 Q. Do you disagree with that?

14 A. I don't disagree in the sense that in
15 order to carry out the practices that will ensure the
16 protection of other values, there are likely to be some
17 additional cost implications.

18 I am not sure I can say that in all
19 circumstances, but I would accept it in general that
20 there will be some additional costs incurred in
21 carrying out practises in the manner prescribed to
22 address the values.

23 Q. Is the issue that he raises here not,
24 in fact, very comparable to the cumulative impact type
25 of philosophy or concern that has been raised here

1 before this Board: A lot of little changes add up to a
2 big change?

3 A. That seems to be the thrust of this
4 paper.

5 Q. And would you agree that these costs
6 are not currently reflected, at least explicitly, in
7 the timber management plans prepared under the proposed
8 process?

9 A. By that question, do you mean the
10 additional cost to industry to carry out the practices
11 as prescribed?

12 Q. Correct.

13 A. I don't believe they are documented
14 in plans, no.

15 Q. In the next paragraph, he goes on and
16 argues that there is a need for a more equitable
17 economic and social criteria -- I am sorry, economic
18 and financial criteria for establishing useful and
19 practical objectives. Do you disagree with this
20 deficiency?

21 THE CHAIRMAN: No, but doesn't that refer
22 back to the first sentence of that paragraph?

23 MR. HANNA: I am sorry, Mr. Chairman, I
24 don't --

25 THE CHAIRMAN: Well, isn't he referring

1 back to the fact that the forest industry is the
2 largest stakeholder--

3 MR. HANNA: Absolutely, yes.

4 THE CHAIRMAN: --in the process and
5 largest contributor of taxation revenues to all levels
6 of government, and then it's on that basis that --

7 MR. HANNA: And, therefore, because the
8 forest industry and the situation the forest industry
9 is faced with, there is need for more economic and
10 financial criteria for establishing timber management
11 objectives.

12 And I would suggest that he is not
13 limiting that simply to timber objectives, but he's
14 also dealing with non-timber objectives. That is one
15 of the major concerns that he has in this paper.

16 Q. Do you disagree with that
17 proposition?

18 MR. BISSCHOP: A. I don't think I
19 disagree. I think that, again, I would put it to Mr.
20 Oppenheimer that that's part of his job in terms of, in his
21 case, the plans he's dealing with to make sure that
22 he's putting forward in this instance objectives that
23 address those considerations.

24 Q. But is the forest industry not faced
25 with in the process making difficult determinations of

1 the distribution of costs and benefits among the many
2 stakeholders by the very fact that they are bearing
3 many of these costs?

4 MR. FREIDIN: I don't think the
5 suggestion that he's making is that there is a
6 distribution. He's certainly saying there are costs
7 imposed on the industry as a result of having to
8 accommodate non-timber values, he's not talking about
9 distributing them in some way.

10 MR. HANNA: I did not suggest that he is
11 making that suggestion, I am asking the witness if, in
12 his view, he feels that the forest industry is faced
13 with this problem?

14 MR. FREIDIN: The problem being...?

15 MR. HANNA: The determination of
16 distribution of costs and benefits among the
17 stakeholders, including the forest industry?

18 MR. BISSCHOP: A. Excuse me. Can you
19 repeat the first part of the question. Is the forest
20 industry faced with...?

21 MR. HANNA: Q. With trying to make these
22 tradeoffs that involve distribution of costs and
23 benefits among different stakeholders by the very fact
24 he's saying we are faced with incurring these
25 incremental costs?

1 THE CHAIRMAN: Well, what are you
2 suggesting, that the industry wants to pass off more of
3 the costs to other stakeholders?

4 MR. HANNA: What I am suggesting, Mr.
5 Chairman, the direction -- the purpose of this
6 questioning is that by not having an explicit statement
7 of what is at stake and a formal way of addressing
8 that - and I suggest one way is a cost/benefit analysis
9 and that certainly is the thread of the natural forest
10 sector strategy - that by keeping these difficult
11 tradeoffs implicit, it makes the process much more
12 complicated and difficult than might otherwise be the
13 case. That is the line of questioning that I am trying
14 to pursue.

15 THE CHAIRMAN: Well, you can pursue it to
16 a limited extent, but I'll be frank, unless my
17 colleagues take a different position, I don't follow it
18 at all.

19 MR. FREIDIN: And, Mr. Chairman, we are
20 sort of entering into an area we dealt with -- we have
21 entered into before, perhaps Dean Baskerville.

22 We are now trying to take an article
23 written by one member of the forest industry which he
24 indicated were his own personal views and we are trying
25 to turn it into what the forest industry believes is

1 the case or they're having trouble with.

2 Maybe we should wait for the forest
3 industry to present its case.

4 THE CHAIRMAN: As well as trying to
5 interpret what Mr. Oppen himself means. I mean,
6 granted he said something, you are trying to take
7 out -- get a view of another witness as to what Mr.
8 Oppen meant by Mr. Oppen's words.

9 Quite frankly, it's speculative in any
10 event as to what Mr. Bisschop feels Mr. Oppen meant,
11 but apart from that I'm having some difficulty - and I
12 don't know if my colleagues are having the same
13 difficulty - in following what you are getting at in
14 this line of questioning, quite frankly.

15 MRS. KOVEN: Is your question, Mr. Hanna,
16 that the forest industry likely has no idea of what the
17 costs are accruing to it as a result of the timber
18 management process, of the changes in it, because
19 nothing is explicit enough to make that determination?

20 MR. HANNA: No. I think the forest
21 industry is well aware of those implications, they are
22 very concerned about those implications I submit.
23 Unfortunately Mr. Cosman is not here and I --

24 MR. MARTEL: Well, why don't we wait for
25 the industry to make its own case.

1 MR. FREIDIN: In fact there is material I
2 understand in the first two witness panels where the
3 industry addresses that very same subject matter.

4 MR. HANNA: I didn't see that in those
5 witness statements, but perhaps I will have to look
6 more carefully.

7 That is fine, Mr. Chairman. Perhaps I
8 could just ask one last question and I think then we
9 can break for the...

10 THE CHAIRMAN: Okay.

11 MR. HANNA: Q. Mr. McNicol, on page 9 of
12 this paper, the second paragraph, the author indicates
13 that he's concerned about --

14 THE CHAIRMAN: Sorry, what page is this?

15 MR. HANNA: I'm sorry, it's on page 9,
16 it's under Measurability, the first paragraph. I'm
17 sorry.

18 Q. And I believe leading up to that
19 there is discussion of the need for flexibility and not
20 tying the hands of the forest industry in terms of --

21 MR. FREIDIN: I am just wondering, Mr.
22 Chairman, if Mr. Hanna can ask the witness to read a
23 certain portion of this document that he believes is
24 necessary for him to answer the question, I think the
25 witness should be allowed to do that.

1 Mr. Hanna has this style - and I am not
2 being critical - of saying: They suggest this on these
3 pages and then the witness really can't listen to the
4 question and read the pages at the same time and the
5 answers probably won't be all that helpful.

6 THE CHAIRMAN: That is probably a fair
7 comment, Mr. Hanna.

8 MR. HANNA: Q. Mr. McNicol, is it your
9 interpretation that one of the concerns that Mr. Oppen
10 is raising here is the limited flexibility that the
11 timber management planning process as proposed provides
12 and, in his words, there is overkill in terms of the
13 level of control?

14 MR. McNICOL: A. I think you indicated,
15 Mr. Hanna, that this follows on statements that he had
16 made before, specifically the paragraphs preceding.

17 Could you indicate --

18 Q. Yes.

19 MR. FREIDIN: Well, let him answer the
20 question, Mr. Hanna, please.

21 MR. HANNA: I'm sorry, I certainly didn't
22 mean to interrupt the witness.

23 Q. I'm looking at the paragraph No. 2,
24 Mr. McNicol, the last sentence there where it says:

25 "There is just not enough flexibility."

1 MR. FREIDIN: Which paragraph?

2 MR. HANNA: Paragraph 2, last sentence.

3 Q. If you turn over the page to page 10,
4 Mr. McNicol, in the first full paragraph --

5 MR. FREIDIN: Again, I think the witness
6 should be allowed to read the statement as he feels he
7 has to read it to put the sentence that was put to him
8 into context, and Mr. Hanna shouldn't put it in context
9 for him.

10 THE CHAIRMAN: Yes, Mr. Hanna. I think
11 in asking these questions in cross-examination you have
12 to ask the witness for his views on a particular
13 statement that you are interested in, but in giving his
14 answer the witness is entitled to formulate his answer
15 on the basis of anything else in the paper as well as
16 anything else within his personal knowledge and
17 experience.

18 And so unless you want to just get a
19 contrast from the witness and say: What does this
20 statement mean to you in the context of only looking at
21 one particular paragraph --

22 MR. HANNA: Mr. Chairman, the reason I
23 was approaching it the way I was, I was simply trying
24 to expedite matters, simply saying this is an issue, I
25 really want to ask him a question and I want to just

1 confirm this statement.

2 THE CHAIRMAN: Okay. Well, ask the
3 question first.

4 MR. HANNA: Okay.

5 THE CHAIRMAN: And then we will see what
6 kind of examination the witness has to go through in
7 terms of the document itself.

8 We want to expedite things obviously, but
9 we don't want to do it in such a manner that the answer
10 from the witness is so qualified or so speculative in
11 terms of what the rest of the document contains that
12 it's of no use to us.

13 MR. HANNA: Certainly. I agree with
14 that, Mr. Chairman.

15 Q. Mr. McNicol, I will ask you the
16 question and perhaps, if necessary, we will come back
17 to this.

18 Is it your view that one reason the
19 habitat supply analysis approach is being adopted by
20 some forest industries is that it increases their
21 flexibility in terms of timber management planning
22 while ensuring that adequate protection of wildlife is
23 provided?

24 MR. McNICOL: A. I guess, Mr. Hanna, in
25 fairness I would have a hard time answering that

1 question because I am not familiar with a company that
2 has adopted habitat supply analysis as part of their
3 planning procedure.

4 I am not privy to information from those
5 companies as to the rationale as to why they have
6 employed that, so I couldn't give you a truthful answer
7 to that.

8 Q. Thank you.

9 MR. HANNA: Thank you, Mr. Chairman. I
10 would like to break now. I think it's pretty
11 reasonable to have Mr. Martel and yourself make the
12 flight this afternoon.

13 THE CHAIRMAN: It has already occurred.

14 MR. HANNA: The reservations are made,
15 but hopefully the act will so occur.

16 THE CHAIRMAN: No, no. If the
17 reservations were made, we will make the flight.

18 MR. HANNA: Oh, I see, Mr. Chairman.

19 THE CHAIRMAN: That is not up for debate.

20 MR. HANNA: Fine. If we could make maybe
21 a short -- I don't know, half and hour, 45 minutes.

22 THE CHAIRMAN: All right. Why don't we
23 say 45 minutes. We will return here at one o'clock.

24 Thank you.

25 ---Luncheon recess taken at 12:15 p.m.

1 ---On resuming at 1:00 p.m.

2 THE CHAIRMAN: Thank you. Be seated.

3 ---Discussion off the record

4 MS. SEABORN: Mr. Chairman, perhaps I
5 could just address the Board for a moment while Mr.
6 Hanna sets up.

7 I raise this topic with some trepidation.
8 Assuming Mr. Hanna finishes today, next week, by my
9 calculations, there are three parties that would
10 precede the Minister of the Environment.

11 Mr. Campbell has a commitment on
12 Wednesday. He wanted me to advise the Board of that
13 fact and it appears from the time estimates we have
14 been given that Mr. Hunter and counsel for Treaty 3 and
15 counsel for the single industry towns will easily take
16 up the two days that we have next week, however, I
17 wanted to put on the record that Mr. Campbell does have
18 a problem on Wednesday.

19 He will be in Thunder Bay next week and
20 it may be that you will want to speak with him about it
21 at that time.

22 THE CHAIRMAN: Well, what happens if we
23 in fact finish early?

24 MS. SEABORN: That is the concern I have,
25 Mr. Chairman, and if we finish at four o'clock on

1 Wednesday, then I would suggest we don't have a
2 problem. If we finish earlier in the day on Wednesday,
3 I agree that there will be a problem and Mr. Campbell
4 did want me to put on the record now that he did have a
5 problem on commencing his cross-examination on
6 Wednesday.

7 THE CHAIRMAN: What is the problem with
8 you assuming his role?

9 MS. SEABORN: The problem with that is
10 that Mr. Campbell is going to be cross-examining in
11 totality Panel 15. We haven't discussed that
12 contingency, but I will speak to him about it, given
13 that you have raised it.

14 THE CHAIRMAN: Well, you know the Board's
15 feeling with respect to--

16 MS. SEABORN: I am very aware of that,
17 Mr. Chairman.

18 THE CHAIRMAN: --all counsel from now on.
19 This, in our view, is not unlike a court in that sense
20 only, that you have to monitor the progress of the
21 hearing and you have to be prepared to go on when it's
22 your turn, and we don't like fixing dates in advance
23 that counsel cannot be here because it negates all of
24 our efforts with other parties to have them focus and
25 speed up their presentation, so they end up doing so

1 sometimes at great additional work to them to
2 reorganize previously prepared cross-examination, only
3 to arrive at the position that we shut down early.

4 And we are determined to utilize every
5 available minute for the hearing of evidence that we
6 can.

7 MS. SEABORN: I am fully aware of that,
8 Mr. Chairman, and I accept that.

9 THE CHAIRMAN: Perhaps you can just take
10 away one of his three days that he estimated for his
11 cross-examination and we could end up saving it in that
12 sense, although from our point of view, why not end up
13 with a net saving; in other words, if you started on
14 time and he took away the extra day in any event, we
15 would finish earlier.

16 What are the estimates from those two
17 parties by the way, or the other three?

18 MS. SEABORN: It was my understanding
19 that Mr. Hunter would be one to two days, that Treaty 3
20 would be half a day and that counsel for the single
21 industry towns would be half a day.

22 So it does not appear to me that we would
23 have a problem other than we may be at four o'clock on
24 Wednesday afternoon. Normally we would sit until 5:30.

25 THE CHAIRMAN: All right. If it's a

1 problem of an hour or, you know, an hour and a half,
2 even two hours, we can probably accommodate things, but
3 if it means losing half a day --

4 MS. SEABORN: I will pass that along to
5 Mr. Campbell.

6 THE CHAIRMAN: We are really getting to
7 the point, as you are probably well aware, that we are
8 not going to --

9 MS. SEABORN: We understand that and we
10 accept that.

11 THE CHAIRMAN: We don't want to make one
12 particular party an example, but one of these days some
13 party is going to be an example of what will happen if
14 you miss your cue.

15 MS. SEABORN: Thank you.

16 MR. HANNA: With some trepidation --

17 THE CHAIRMAN: The heavy hand falls
18 equally, Mr. Hanna.

19 MR. HANNA: It is with some trepidation
20 that I start now, Mr. Chairman, but I again spent my
21 lunch trying to ensure what will happen happens and I
22 think that is quite likely given Dr. Quinney and my
23 efforts.

24 Q. Mr. McNicol, you recall yesterday Mr.
25 Freidin directed me to the oral evidence that he

1 provided with respect to Document 2, Part 11, and I
2 have now done that, and having read that there is a
3 number of questions that came out that I would just
4 like to get clarified.

5 MR. McNICOL: A. Certainly.

6 Q. Now, perhaps for your benefit the
7 part of the transcripts that I am referring to is
8 Volume 138 starting on page - my goodness - 23511, line
9 7.

10 THE CHAIRMAN: Neat set of numbers, eh?

11 MR. HANNA: Q. And I believe at that
12 point in the transcripts you were talking about the
13 interim directive that Dr. Euler had discussed in his
14 evidence in Panel 10 and particularly the 260 hectare
15 limit in terms of clearcuts. Do you recall that?

16 MR. McNICOL: A. I don't believe that
17 the 260 hectare figure is expressed as a limit. It is
18 expressed as the size at which there has to be a
19 reporting requirement.

20 Q. Yeah, okay. Perhaps we can get a
21 good term for this. Did you use it as the point you
22 kick in this -- I don't know how you want to call it,
23 but that is the way I was trying to use the term.

24 A. The reporting requirement kicks in,
25 if you will.

1 Q. Okay, fine. And we also discussed I
2 believe yesterday a comment that you had made in terms
3 of grading moose habitat quality into low and medium
4 and high and using that as a basis to apply the
5 guidelines; correct?

6 A. Yes.

7 Q. Now, what wasn't clear to me from
8 reading your oral evidence was how that comment in
9 terms of grading the habitat and this 260 hectare
10 kick-in value, how they tied together; in other words,
11 260 does apply with low quality habitat, medium quality
12 habitat, high quality habitat or whatever.

13 A. It applies to all habitat, all
14 grades, if you will, of moose habitat capability.

15 Q. So you would have an area of concern
16 if you had a cut that size in low quality habitat or if
17 it was in high quality habitat?

18 A. That's correct.

19 Q. Now, there is another thing in your
20 comments that I was a little bit perplexed by and that
21 is my understanding of that directive was that when the
22 cuts on 60 per cent or more of the harvest area
23 exceeded that limit that the kick-in occurred, but on
24 the remaining 40 per cent there was no limit.

25 Do you recall the directive, there is the

1 60/80, 20/40 ranges?

2 THE CHAIRMAN: Well, Mr. Hanna -- I
3 appreciate, Mr. McNicol, if you want to clarify that
4 but, as I recall the evidence, we spent some time,
5 including one of the witnesses sketching this out, as
6 to how that formula and provision works.

7 So I don't think the Board wants to
8 repeat it totally. If he can clarify it for you very
9 quickly.

10 MR. HANNA: Q. Perhaps, Mr. McNicol,
11 before you answer that I can just tell you, I just
12 wanted to understand for that 40 per cent area that was
13 outside of the directive or didn't fall within the 260
14 limit. I understood what you were saying is the 260
15 applied in all cases, that that 60/40 rule didn't come
16 into apply -- into consideration in terms of what you
17 described?

18 MR. McNICOL: A. It is a confusing
19 matter, Mr. Hanna, and perhaps we should go over it
20 again because I believe your client does have a
21 misunderstanding as to what those figures mean.

22 There are two items here: One is size of
23 clearcut and the reporting relationship and the other
24 aspect is the approval process for plans in which these
25 size clearcuts exist.

1 Very simply, in reviewing a plan, if you
2 have clearcuts of a size of 260 hectares or greater
3 occurring on up to 20 per cent of the total area that
4 is planned for harvest, the review and approval process
5 is normal; that is, the district manager approves a
6 plan, it goes to the regional director, he assesses it
7 and approves or disapproves, but the review process and
8 approval process is as it would be for any plan.

9 Those cuts that are 260 hectares or
10 greater are identified and have to be rationalized as
11 to why they are that size within that plan that only
12 goes up to 20 per cent, or in any plan even though it
13 only goes up to 5 per cent, that rationalization still
14 has to occur.

15 From 21-40 per cent. When you have
16 clearcuts 260 hectares or greater that occupy 21-40 per
17 cent of the land base that is scheduled for harvest,
18 the regional director has the option of bumping that
19 plan up to the Assistant Deputy Minister for his review
20 and approval. Again, within that plan all these cuts
21 that are greater, or 260 hectares or greater have to be
22 rationalized.

23 When you get above 40 per cent of the
24 area planned for harvest that has clearcuts of 260
25 hectares or greater, the regional director does not

1 have an option, that plan must go to the Assistant
2 Deputy Minister for approval.

3 Q. Okay. I appreciate that, in fact you
4 were correct, I didn't have that understanding and, in
5 fact, I appreciate that understanding at this point.
6 And so back to your comments that you made, the 260
7 kick-in applies to any cut-over that's over 260
8 hectares?

9 A. That's correct.

10 Q. Now, it was my understanding that the
11 260 rule, if you can call it a rule, applies to general
12 moose range. Does it apply also to winter
13 concentration areas and specifically those that are
14 identified as areas of concern?

15 A. If you are suggesting that a value,
16 for instance, a winter concentration area or an early
17 winter concentration area, late winter concentration
18 area, an aquatic feeding area, if those types of values
19 could be encompassed by a 260-hectare clearcut, I would
20 suggest, no, they cannot.

21 They are values that have been
22 identified, site-specific values that have been
23 identified on the landscape and they will be dealt
24 with -- if they are going to be impinged upon by forest
25 management activities, they will be dealt with through

1 the prescription to protect that value.

2 Where the 260-hectare rule, if you will,
3 does become more evident is outside of those areas
4 where you have a specifically identified value. It
5 runs more in the context of the word you used, general
6 range management, outside of specific values.

7 Q. And is there -- just to finish this
8 off. Is there a deviation reporting requirement for
9 areas of concern, not 260 hectare areas of concern but,
10 say, a winter concentration area, is there a deviation
11 reporting requirement for that?

12 A. I guess your question would relate to
13 a specific value, let's say, an aquatic feeding area.

14 Q. Well, let's talk about a winter
15 concentration area, cause it's more likely to have a
16 clearcut on it.

17 A. All right. Winter concentration
18 area, you have decided that some type of harvesting
19 could occur within that area, let's assume that
20 modified operations of some form would go on, through
21 the environmental analysis of the options or
22 alternatives that you have identified for that
23 particular value.

24 If within that you are deviating from
25 what the guidelines have specified, then there would

1 have to be some rationale as to why that was taking
2 place and you should find that in the environmental
3 analysis of those particular alternatives and then in
4 the selected.

5 Q. Yeah, I appreciate that. The
6 question was: Is there a deviation reporting
7 requirement in addition to that?

8 A. No.

9 THE CHAIRMAN: So is what you are saying,
10 Mr. McNicol, essentially there is no deviation
11 reporting mechanism required from the guidelines in
12 addition to, effectively, the AOC, area of concern
13 planning process?

14 MR. McNICOL: That is correct, Mr.
15 Chairman.

16 THE CHAIRMAN: Is that what you are
17 saying?

18 MR. McNICOL: It would be a duplication
19 of effort really. You have already detailed it in your
20 area of concern planning process, so to list it again
21 some...

22 THE CHAIRMAN: Okay.

23 MR. HANNA: Q. Perhaps so I can
24 understand it. The deviation reporting process though
25 that has been defined and this interim directive

1 determines how it goes up through the administrative
2 structure in terms of approval. There is no
3 comparable, if you will, mechanism to channel approval
4 where you deviate with a specific area of concern?

5 THE CHAIRMAN: Is not what you are saying
6 effectively, Mr. Hanna, that under the AOC approval
7 process that you've instituted there is no necessity
8 for the ADM's approval to a particular prescription?

9 MR. McNICOL: That's correct.

10 THE CHAIRMAN: As there would be if it
11 were a deviation reporting situation over the 40 per
12 cent that you just outlined?

13 MR. McNICOL: Correct.

14 MR. HANNA: Q. Mr. Multamaki, can you
15 confirm for me that there are cuts in excess of 260
16 hectares contained in the five-year allocations for the
17 Red Lake Crown Management Unit Timber Management Plan?

18 MR. MULTAMAKI: A. Are you speaking
19 about contiguous open clearcuts?

20 Q. Well, that is an interesting question
21 in itself and one that has received considerable
22 attention. But, no, I wasn't going to try and deal
23 with that issue right now. I think that is one which
24 is on the burner, I will deal with that one at the
25 appropriate time.

1 It's more particular allocation in the
2 five-year allocation?

3 A. There are blocks identified that are
4 larger than 260 hectares; however, within those blocks
5 there are stands, for example, that are being scheduled
6 for modified harvest cuts which, in effect, do not
7 constitute open clearcuts.

8 So I would say that I offhand can't think
9 of any cut-overs that are going to be 260 hectares in
10 size, complete clearcut areas.

11 I should also mention that I hadn't
12 looked at the maps in that fashion and the stand
13 listings because at the time that that plan was
14 prepared this interim direction did not exist.

15 Q. Perhaps you recall the letter from
16 the regional director Mr. Johnson discussing the Red
17 Lake Crown Management Plan. Unfortunately I don't have
18 the exhibit number right here in front of me -- oh, I
19 do, 883A, paragraph 3 there I believe discusses this
20 matter.

21 A. Yes. Again, if you notice -- you
22 will notice that it states that there is 380 hectares
23 and it refers to -- in fact, the statement is one
24 particular cut block was noted to exceed 380 hectares
25 in size.

1 It's my understanding that that was a
2 simple mathematical exercise of taking the stand
3 listings, adding up the areas within a block, and
4 saying it was 380 hectares. But, in fact, when you
5 look at that block, the operational block may, in fact,
6 have been broken up into two, three, four or five
7 separate harvest areas and they were combined for
8 operational purposes as a block and recorded as such.

9 So it doesn't necessarily mean that it
10 was a single cut-over.

11 Q. How would a member of the public know
12 that?

13 A. Simply by looking at the maps.

14 Q. Perhaps you can refer me to this
15 particular stand that was referred to in this letter
16 and indicate that to me?

17 A. If you could give me a minute, we can
18 dig the maps out.

19 This was never -- this particular map was
20 never entered as an exhibit. It in fact is base map
21 511934 and I think the block - we are just checking on
22 the numbers to see that in fact it does come out at
23 380 - is, in fact, this block No. 26 right here.
24 (indicating)

25 It also, if I am not mistaken, includes I

1 think that block there. (indicating) We are checking
2 on that right now.

3 But if you will notice, the white
4 sections are unallocated treed bog or swamp. In
5 essence, those lowland areas have 25, 30, 40-foot
6 standing timber within them and, in fact, when you talk
7 about large contiguous clearcuts, it in fact doesn't
8 meet that in the truest sense of the word.

9 You will also notice that there is an
10 relatively long narrow arm on the western side which
11 again constitutes a fair bit of break up of the cut.
12 The narrowest point would only be, you know, only a
13 hundred yards maybe across or in that range.

14 I am reasonably sure that that is the
15 block we are talking about. It was one of the larger
16 ones and I do remember discussing it with respect to
17 prescribed burns and the fact that it was relatively
18 large in nature, but this is the area that you are
19 talking about is --

20 Q. And Mr. Johnson was talking about?

21 A. That's correct. And the fact that it
22 was being looked at as a candidate prescribed burn
23 area.

24 THE CHAIRMAN: Okay. So is the gist of
25 what you are saying, that when you look at the area and

1 you look at the precise amounts of land base that are
2 allocated for clearcut, that those areas would not
3 exceed a total area of 260 hectares without being
4 broken up by uncut timber or even modified cuts, but
5 not a contiguous clearcut area in excess of 260
6 hectares?

7 MR. MULTAMAKI: That's correct. As I
8 understand it, that passage or section that you are
9 referring to in Mr. Johnson's letter refers to this
10 block and it was a case of simply adding up the block
11 area in the plan and having to take a closer look at it
12 because the block shows as being 380 hectares, but in
13 fact when you looked at the maps and the method with
14 which the allocation took place, it was not of concern
15 from a wildlife habitat standpoint because of the large
16 amount of standing material -- conifer material that
17 were in these low wet areas. They were not
18 merchantable, smaller diameter and so on, and the fact
19 that there was -- the cut-over itself was relatively
20 dispersed.

21 THE CHAIRMAN: Had the directive been in
22 effect for that plan would it have kicked in, Mr.
23 McNicol, the reporting requirement?

24 MR. MULTAMAKI: That is an interesting
25 question. I think maybe we should ask Mr. McNicol that

1 one. I am really -- I am honestly not sure whether it
2 would or not. It would be my estimation that, no, it
3 wouldn't, but I think we should let Mr. McNicol answer
4 that.

5 MR. McNICOL: I think you did, Hartley.
6 No, it would -- the reporting requirement would have
7 kicked in, but --

8 THE CHAIRMAN: Not a mandatory one, it
9 wouldn't be over the 40 per cent; is that right?

10 MR. McNICOL: I'm sorry. If, as Mr.
11 Multamaki has explained, you had significant residual
12 in those cuts in essence meeting the shelter patch
13 component of the Moose Habitat Management Guidelines
14 then, no, it would not have kicked in.

15 If there had been a clearcut that came to
16 380 whatever hectares then, yes, the reporting
17 requirement would have kicked in. Irrespective of how
18 many other cuts there were like that, that particular
19 one would have had to be reported on and rationalized.

20 THE CHAIRMAN: But then it's the
21 percentage basis of the entire land base that
22 determines whether it's an option of the regional
23 director to get the Assistant Deputy Minister's
24 decision or a mandatory requirement to get the
25 Assistant Deputy Minister's decision?

1 MR. McNICOL: That's correct.

2 MR. HANNA: Okay.

3 MR. FREIDIN: Mr. Chairman, I believe --
4 I'm sorry. I was just going to say this I guess was
5 marked as an exhibit because it was part of the Red
6 Lake Plan and everything was marked as an exhibit, but
7 perhaps you should give this a separate exhibit number
8 for ease of reference.

9 THE CHAIRMAN: Okay. Exhibit 905. What
10 do we call this, Mr. Multamaki?

11 MR. MULTAMAKI: The Allocation and Roads
12 Map, Base Map 511934.

13 ---EXHIBIT NO. 905: Allocation and Roads Map, Base Map
14 511934.

15 MR. MULTAMAKI: I should also point out,
16 like I said, that that 380 hectare also, as I
17 understand it, includes this block over here
18 (indicating) which is separated by a substantial amount
19 of standing timber.

20 In fact, when you look at this stand
21 right here (indicating) it's 172 hectares, the yellow
22 one here, this is 39 hectares, and that one is 32
23 hectares for a total of approximately 230 hectares
24 which is still under the 260, and that was where I was
25 coming from when I said that it probably wouldn't have

1 kicked in.

2 So, in fact, we've really got two areas
3 within that block.

4 MR. HANNA: Q. Mr. McNicol, can you
5 clarify several things that have arisen as a result of
6 this discussion.

7 MR. FREIDIN: Are we finished with that
8 map?

9 MR. HANNA: No.

10 THE CHAIRMAN: I am not sure Mr. McNicol
11 can see it from where he is.

12 MR. FREIDIN: Maybe you can turn it so
13 the Board can see -- the witnesses that might be
14 answering the questions.

15 MR. McNICOL: Oh, I can come up. You
16 want to ask questions about the map, Mr. Hanna?

17 MR. HANNA: Q. Well, the comments that
18 you made and you may want to look at the map in
19 response to the comments.

20 MR. McNICOL: A. Okay, I will come up.

21 Q. First of all, you indicated if there
22 are shelter patches in the clearcut that it would not
23 kick in even if it was over the 260 hectares?

24 A. Well, see, there is where we have our
25 problem in terms of definition of clearcut. If you

1 have a 260 hectare cut-over that has significant
2 residual within it, in my vernacular, that is not a
3 clearcut.

4 Q. And what is significant residual?

5 A. Such that it meets the Moose Habitat
6 Management Guidelines.

7 Q. The 3 to 5 hectare shelter patches?

8 A. Yes. It doesn't have to be in that
9 kind of distribution, but you and I both know what we
10 are talking about.

11 Q. So what you are saying is, as long as
12 we have 3 to 5 hectare shelter patches in the relative
13 distribution -- general distribution that's defined in
14 the guidelines, there is really no limit as to how big
15 the clearcut can be?

16 A. No, that is not true.

17 Q. Okay.

18 A. There has to be an assessment on a
19 site-specific basis of that particular cut-over and the
20 distribution of residual that is projected to come out
21 of there and the spacial arrangement of that residual
22 and the extent of that residual to assess whether you
23 have got a problem there vis-a-vis the Moose Habitat
24 Management Guidelines or not, and your moose habitat
25 management objectives for that area as a district

1 biologist.

2 You can't say that, for instance, a
3 uniform distribution of 3 to 5 hectare patches across a
4 cut-over of 380 hectares is going to be sufficient to
5 meet your moose habitat objective in that particular
6 area. I would suggest in most cases it won't be, you
7 won't be able to meet your objective with that kind of
8 an arrangement of shelter patches.

9 Q. I am concerned about your
10 objective -- the term objective. We have heard that
11 used here repeatedly. What do you mean by objective?

12 A. The district biologist, when he is
13 assessing this particular plan, will have done the
14 broad brush capability classification; high, medium,
15 low and he has -- he or she has in their mind at what
16 level they wish to apply the Moose Habitat Management
17 Guidelines in recognition of the capability of the land
18 base to respond to various application of the
19 guidelines.

20 If you have got good habitat, good
21 potential, then you are going to apply those guidelines
22 rigorously.

23 Q. Whatever that means.

24 THE CHAIRMAN: Well --

25 MR. McNICOL: Well, I think we know what

1 that means.

2 THE CHAIRMAN: Yes. I don't think again,
3 Mr. Hanna, we want to go through all of the moose
4 guideline application again.

5 MR. HANNA: I appreciate that, Mr.
6 Chairman, I don't either. I thought things were fairly
7 clear and now things don't seem to be so clear.

8 I am not sure now what a 260-hectare
9 clearcut is and what isn't, it sounded to me very much
10 like it's very much at the discretion of the biologist.

11 MR. McNICOL: I would suggest, yes, it is
12 that person that is going to have to assess what that
13 particular cut-over and its lack of or prevalence of
14 residual timber or complete portions of uncut stands
15 within that cut-over or that allocated area, how that
16 is meeting the habitat management objectives that he or
17 she has set out for that particular timber management
18 planning area.

19 THE CHAIRMAN: Did we not suggest to the
20 parties some time ago when this whole question about:
21 What is a clearcut, what constitutes a clearcut, and
22 can we arrive at an acceptable definition that the
23 parties can live with, for the parties to get together
24 and try and sort that one out?

25 MR. FREIDIN: Mr. Chairman --

1 MR. KENNEDY: Yes, Mr. Chairman, you did
2 make that suggestion.

3 THE CHAIRMAN: And has anything happened
4 to that suggestion, or did it go by the boards as some
5 others?

6 MR. KENNEDY: I can advise you that there
7 is a considerable amount has happened on that. There
8 is a sizeable investment of time by both all the major
9 parties as well as staff of Ministry of Natural
10 Resources.

11 I believe it was just last week that Ms.
12 Blastorah informed the Board that the first portion of
13 that exercise has been completed, that was a mapping
14 exercise which was developed jointly by the parties in
15 an effort to capture a picture of what clearcuts are in
16 the province to answer Forests for Tomorrow
17 interrogatory.

18 That resulted in a mapping exercise.
19 Copies of that -- results of the mapping exercises are
20 available on a loan basis through the Board's office
21 here in conjunction with the reading room and upon the
22 completion of Panel 15 there is a suggestion that the
23 parties will be getting together to examine the
24 possibility of a joint interpretation of that
25 information and it's currently awaiting time for myself

1 to be made available to those discussions.

2 THE CHAIRMAN: Okay. Well, the Board
3 doesn't feel we should pursue this any further. And
4 you may well agree, Mr. Hanna, with the other parties
5 as to the definition of a clearcut.

6 MR. HANNA: Thank you.

7 Q. Just one other point here with this
8 letter. The comment is made that this block - and I
9 believe you are probably right, Mr. Multamaki - this is
10 the block, because it says:

11 "This block was surrounded by large areas
12 of wetland which could compound the
13 negative effect of the clearcut on
14 wildlife populations."

15 Now, Mr. McNicol, you said that because
16 this clearcut is broken up by those wetland areas that
17 that would reduce your concerns. It seems here that
18 they are saying the presence of these wetlands would
19 cause greater concerns. Can you explain what is meant
20 by that?

21 MR. McNICOL: A. I think it's completely
22 in keeping with what I said before, Mr. Hanna; and,
23 that is, these assessments are made on a site-specific
24 basis.

25 In this particular circumstance and I am

1 sorry, I am not -- I haven't really looked at that, but
2 the concern seems to be for the wetlands and the
3 proximity of the wetland to those areas that are going
4 to be cut.

5 That would be something that would be
6 assessed by the district biologist or, in this case, in
7 the regional review team and it was determined that
8 there could be a problem there and that problem was
9 identified.

10 Q. So the negative effect of the
11 clearcut on wildlife populations is referring to
12 wildlife populations in the wetlands?

13 A. I really can't comment on that, Mr.
14 Hanna. I am not sure exactly what the reviewer is
15 getting at with the comment.

16 Q. Are lowland black spruce forests of a
17 nature - and perhaps, Mr. Multamaki, you might want to
18 even give Mr. McNicol the stocking information on the
19 stand - classic winter shelter for moose?

20 A. Which stands specifically are you
21 speaking of, Mr. Hanna?

22 MR. MULTAMAKI: A. The stands 9/10 that
23 you are looking at in fact are treed swamp or lowland
24 areas, in fact they don't contain a stocking number.
25 The stands adjacent -- the first stand that you pointed

1 to stand No. 49 is 90 per cent stocked, it's 110 years.

2 Q. Excuse me, Mr. Multamaki, I wasn't
3 pointing to that stand, I was pointing to stands 9/10
4 which I believe are the two wetland areas that I have
5 referred to in this discussion.

6 A. That's right. You are correct and,
7 in fact, those two centre 9/10s don't contain a
8 stocking figure because they are not considered to be
9 productive forest land. In fact, what they are is
10 lowland areas that contain lowland black spruce.

11 Q. Can you answer my question now, Mr.
12 McNicol?

13 MR. McNICOL: A. Yes. No, they are not.
14 In the vernacular -- or, sorry, in the context of moose
15 habitat those would not be considered to be late winter
16 habitat for moose.

17 Q. But they would be adequate to break
18 up the cut?

19 A. In my opinion?

20 Q. Yes.

21 A. No. This term break up the cut, and
22 I have had this problem not only with you, Mr. Hanna,
23 but some other people inside industry and also within
24 the Ministry. When you are looking to "break up the
25 cut", what you are looking to do is to provide the

1 limiting habitat factor that is going to be exhibited
2 after the cut has taken place.

3 So if you are looking at this particular
4 situation, again I would suggest that there -- well,
5 no, I would suggest there is probably not going to be a
6 problem with regard to late winter habitat because
7 there is an upland conifer stand that will still be
8 there after the cut.

9 But in the case of a larger cut and you
10 are looking to "break it up" and it happens to be
11 mature conifer and over the area you are going to be
12 looking at a reduction of mature conifer; i.e., late
13 winter habitat for moose, then your objective would be
14 in breaking up the cut to provide that habitat
15 component in the context of the cut to break it up, if
16 you will, in terms of area but also to provide that
17 habitat component that would be missing after the cut
18 over much of the cut-over area.

19 THE CHAIRMAN: So you wouldn't cut as
20 much; right?

21 MR. McNICOL: Right. You are going to
22 leave -- you are going to leave a portion of the stand
23 to be cut, you are going to put in a corridor, you are
24 going to do something. That stag area would not
25 suffice.

1 MR. HANNA: Q. Given now that we know
2 it's a stag, given we have got an idea of the nature of
3 this cut, would this kick in under your 260 rule?

4 MR. McNICOL: A. Would it kick in today?

5 Q. Today.

6 A. Again, from what I see there, Mr.
7 Hanna, if we look at basically the yellow areas which
8 are the spruce dominated stands -- I believe, Mr.
9 Multamaki, is that correct?

10 MR. MULTAMAKI: A. That's correct, they
11 are spruce working group.

12 MR. McNICOL: A. I don't believe that if
13 you look at -- and there is basically four pieces, if
14 you will, to that spruce working group that is
15 exhibited there in terms of the allocation, four lobes.

16 Would you concur, Mr. Hanna, in terms of
17 we've got one basically in the southwest corner?

18 Q. Yes, that's fine. Yes, there is four
19 lobes, fine.

20 A. I doubt - and, Mr. Multamaki, maybe
21 you can confirm by looking at the area - that any one
22 of those lobes is more than 260 hectares.

23 MR. MULTAMAKI: A. I think that was the
24 point that I may not have--

25 Q. No, I understood.

1 A. --made fairly plain, is that that 380
2 hectares that you are talking about includes this, all
3 of that and, in fact, what you are looking at is this
4 spruce block right here (indicating) with the 26 in it
5 is in fact 172 hectares in size. This small one down
6 here is an additional 32 to make it around 200
7 hectares.

8 So what you are seeing in spruce in
9 yellow there is approximately 200 hectares. That small
10 area there is 36 hectares, this is 39 (indicating), so
11 it approaches the 260 hectares in size in its entirety,
12 this block.

13 MR. McNICOL: A. And if that was the
14 case, Mr. Hanna -- I'm sorry, if that was the case,
15 then that particular area there would be identified, if
16 that was a 260-hectare clearcut. In other words, if
17 all of that area was going to be clearcut, then it
18 would be identified.

19 Q. Okay, let's move along now to the
20 next five-year allocation and let's assume that stand
21 49 is now cut, which is the highly stocked conifer
22 stand in the centre of the four lobes.

23 A. Yes.

24 Q. Would the 260 kick in at that point?
25 This is the next -- this cut has taken place. In the

1 next five-year allocation you are going to take out
2 that residual block.

3 A. No, it would not kick in if that
4 particular stand on its own is not 260 hectares.

5 Q. Thank you.

6 MR. HANNA: Mr. Chairman, I would like to
7 move to hopefully my last exhibit I want to speak to in
8 my cross-examination and that is the Todesco document
9 that I have referred to before.

10 THE CHAIRMAN: I can't recall, did we
11 give that a number yet?

12 MR. HANNA: No, Mr. Chairman.

13 THE CHAIRMAN: Exhibit 906.

14 MR. HANNA: (handed)

15 ---EXHIBIT NO. 906: Document entitled: Evaluation of
16 Moose and Woodland Caribou Habitat
17 and Forest Operations in Wildlife
Management Unit 3 by Charles
Todesco dated February, 1989.

18 MR. HANNA: Q. Now, Mr. McNicol, you are
19 aware that Dr. Euler and Mr. Hogg made reference to
20 this as a -- I hate to use the word model - of the type
21 of analysis that the Ministry is undertaking in their
22 different areas; is that correct?

23 MR. McNICOL: A. I am not sure that the
24 word model was used. It's certainly an example, yes.

25 Q. And I believe they did indicate it is

1 an exemplary example.

2 MR. FREIDIN: Well, you are using words
3 and you are suggesting that those words were used. Are
4 you sure those words were used, because this witness
5 hasn't reviewed all the transcripts.

6 MR. HANNA: I am not sure and I will
7 retract that, Mr. Chairman.

8 MR. FREIDIN: All right.

9 MR. HANNA: Q. Mr. McNicol, can you tell
10 us if this type of analysis is available for all
11 wildlife management units within the area of the
12 undertaking?

13 MR. McNICOL: A. It is not available.

14 Q. Are they --

15 A. I'm sorry, it is not available in
16 this kind of written format, documented format.

17 Q. Is such documentation format being
18 developed at the present time as far as you know for
19 those that do not have it?

20 A. Not to the best of my knowledge.

21 Q. Are there any others that do have it
22 at the present time?

23 A. Any other wildlife management units
24 that do have it?

25 Q. Yes.

1 A. In this type of format, I can't
2 comment. I would say that if it does exist, there
3 would be few other examples.

4 THE CHAIRMAN: Does the information
5 contained in this document - not in this format, not in
6 this written form - exist for other wildlife units?

7 MR. McNICOL: Yes.

8 MR. MARTEL: What form does it take, is
9 it generalized, each area having its own, or is
10 there --

11 MR. McNICOL: Generally, Mr. Martel, it
12 exists in the form of maps and on those maps what has
13 been recorded over the years with regard to moose
14 densities and their distributions.

15 I know in Thunder Bay District we also
16 went through an exercise that Mr. Todesco has gone
17 through with regard to ranking the wildlife management
18 units in terms of its capability to produce moose
19 looking at a number of variables and the result of that
20 exercise was put onto a map.

21 MR. HANNA: Q. Mr. McNicol, if you could
22 refer to page 29 with respect to this particular issue
23 Mr. Martel has just asked you.

24 MR. McNICOL: A. Sorry, I have it.

25 Q. Is this the type of information you

1 are saying would exist in district offices around the
2 area of the undertaking?

3 A. I suggest that this type of
4 information in this type of format exists in many
5 district offices. I would not go so far as saying all,
6 but in many.

7 MR. HANNA: Mr. Chairman, one of the
8 matters that we are considering as far as a term and
9 condition is the type of information that should be
10 available. It would be useful to me to know which
11 districts have this information and to know the form
12 that it's in. If I could ask the witness to provide
13 that to me.

14 THE CHAIRMAN: Well, we have got to be
15 more specific than that. Are you asking which offices,
16 which districts have the type of information contained
17 on the map on page 29?

18 MR. HANNA: Yes, Mr. Chairman, and if
19 there is supporting documentation of this nature I
20 would like to know that also.

21 MR. FREIDIN: I am just wondering what
22 argument is he going to be able to make with the
23 information that he can't make with the answer he's
24 already got that it's available in some but not all
25 district offices?

1 In other words, for what purpose is this
2 effort to be used. I think you can make the same
3 argument about the additional information.

4 MR. HANNA: Mr. Chairman, my
5 understanding of what Mr. McNicol has said is that by
6 grading the habitat in this way it's an important tool
7 in applying the guidelines. Now, if this information
8 already exists in all offices, my client --

9 THE CHAIRMAN: Well, hold it. He said it
10 does not exist in all offices.

11 MR. FREIDIN: In this form.

12 THE CHAIRMAN: In this form. He says it
13 may exist in several offices, but not all. And I think
14 he went as far as saying in many of the offices as
15 opposed to all of them.

16 MR. HANNA: Yes, Mr. Chairman. The point
17 is simply: We would not come before the Board and
18 suggest that as a term and condition that this type of
19 information be used, be prepared to assist in the
20 adequate application of the guidelines if it already
21 exists.

22 THE CHAIRMAN: Let's go one step further.
23 Mr. McNicol, is it the intention of the Ministry to
24 have this kind of map as exhibited on page 29 which
25 already exists in many offices in all the offices where

1 moose are within that area?

2 MR. McNICOL: Yes, Mr. Chairman, it is a
3 precursor to the proper application of the guidelines.

4 THE CHAIRMAN: So would the Ministry in
5 any way object to a condition of approval to the effect
6 that a map containing this type of information be
7 required for all units where moose...

8 MR. McNICOL: No, Mr. Chairman.

9 MR. HANNA: That does it, Mr. Chairman.

10 THE CHAIRMAN: Okay. So you can put
11 forward your condition, obviously it's one that they
12 may well not object to.

13 MR. HANNA: Thank you.

14 Q. I would ask you to compare two
15 figures for me, Mr. McNicol, and that is Figure 5 on
16 page 8 and Figure 16 on page 29.

17 And I think it's a fairly easy
18 comparison, but I would ask if you can confirm for me
19 that there is a very high degree of overlap between the
20 high capability forest lands and the high capability
21 areas for moose habitat?

22 MR. McNICOL: A. No, I agree with you,
23 Mr. Hanna - and perhaps you are going there anyway -
24 but if you look at the soils map you will also see that
25 same correlation in terms of the silts and clays.

1 Q. Yes. Can you also look on Figure 16
2 and confirm for me that much of the Red Lake Crown
3 Management Unit falls within the high quality habitat
4 moose habitat zone?

5 A. I would confirm that, yes.

6 Q. Now, could you turn to page 22,
7 please, and at the bottom of page 22 starting with
8 Chamberlin, it describes a number of authors'
9 observations in terms of winter concentration areas.
10 Chamberlin, Peek, Todesco.

11 A. I am with you.

12 Q. It seems very clear from this that
13 these authors at least conclude that upland sites and
14 not lowland areas, associated watercourses and lakes
15 are the preferred areas for winter concentration.

16 A. I would be careful with that one. If
17 you are characterizing all areas that happen to be
18 proximate to lakes and rivers as being lowland with
19 regard to the type of vegetation that they would
20 produce, no.

21 Lowland areas, as characterized here, I
22 think are ones where he's speaking -- the authors are
23 speaking of ones that have imperfect drainage and that
24 results in a particular type of vegetation and tree
25 type. There can be very well drained, as you are well

1 aware, very well drained sites close to lakes and
2 rivers that produce upland type vegetation.

3 Q. Now, my next question I think -- next
4 series of questions deal with the matter of balancing
5 this high quality moose habitat and the allocations
6 that Mr. Multamaki has spoken about in terms of the
7 timber management plan and the moose population
8 objectives for the area covered by the timber
9 management unit.

10 And my question is: How much late winter
11 habitat is required to sustain the targeted moose herd
12 within the timber management planning area?

13 A. That is an excellent question. In
14 all honesty we are wrestling with that very question in
15 terms of how much is enough.

16 The late winter habitat component, I
17 would suggest, with regard to moose habitat is one of
18 the areas where we need more information. It's a
19 difficult component to study because at the time of
20 year that moose are utilizing it and when they utilize
21 it it's very difficult to find them, to find how much
22 of it they are using, how many of them are using what,
23 it is difficult.

24 I cannot give you a good answer to the
25 question, I guess is what I am saying.

1 Q. Mr. Multamaki, when the allocations
2 were being prepared for the Red Lake Crown Management
3 Unit, what analysis was undertaken to ensure that
4 adequate late winter concentration habitat, at least in
5 the opinion of the biologist, would be available over
6 the next rotation of the forest?

7 MR. MULTAMAKI: A. Over the next
8 rotation of the forest?

9 Q. Well, that is how long the effects of
10 the cut-over would be felt; is that not right?

11 A. Certainly the effects of the cut-over
12 would influence the next rotation all right.

13 It's my understanding that the planning
14 team, particularly the biologist, used I guess a number
15 of surveys such as moose habitat aerial surveys and so
16 on when making the decision during the allocation
17 process on cut layout and so on, and I would expect
18 that he used those surveys and that, I guess, when
19 contributing as a planning team member to the
20 production of the management plan.

21 Q. But those aerial surveys provide
22 simply population estimates, they don't provide any
23 information on habitat; do they?

24 A. And certainly that is used in
25 combination with FRI information, operational cruise

1 information and so on. I didn't mean to imply that it
2 was only those aerial surveys. In fact, they would
3 have identified things like moose densities and so on,
4 and certainly it was used in conjunction with a range
5 of other information that was available to the planning
6 team.

7 Q. When you looked at the implications
8 of the five-year allocations in terms of forest
9 production, did you use WOSFOP?

10 A. WOSFOP. We used a--

11 Q. Modification.

12 A. --similar computer model. It was not
13 exactly the same, in fact, it was the DEC computer
14 model that was based on WOSFOP.

15 Q. And that was used to look at the
16 implications of your decision over the future rotation
17 of the forest?

18 A. It was used to look at the change in
19 the forest structure over the rotation period and, in
20 fact, there were a number of runs as I previously
21 described in direct that we looked at to analyse, I
22 guess, the effect of changing various parameters within
23 the model.

24 As a point of clarification, that map
25 that we discussed in the 380 hectares that you brought

1 up form Exhibit 883A.

2 Q. Mm-hmm.

3 A. I would just like to clarify that
4 that letter in fact refers to the pre-fire draft plan
5 and the block that is referred to in there does not
6 exist in this plan in the same form; in fact, what
7 happened was when the plan was rewritten, it's the same
8 area, but the block configuration, in fact, has
9 changed.

10 And what you are really seeing is a new
11 block that, in fact, isn't 380 hectares in size. It
12 still was prescribed for prescribed burn and so on but,
13 in fact areas had been taken out to reduce the size of
14 that block for the second plan. So I thought I better
15 clarify that.

16 Q. Thank you. Mr. Kennedy, do we have
17 map 506933, the allocation and road map available
18 there?

19 MR. KENNEDY: A. I think so. Just a
20 moment. You said 506933?

21 Q. Yes.

22 MR. McNICOL: A. Maybe, Mr. Hanna, while
23 Mr. Kennedy is getting that information. You are well
24 aware and will hear more about the Ministry's efforts
25 to assess the efficacy, if you will, of the guidelines

1 through monitoring in Panel 16 and the late winter
2 habitat question is a question that will be looked at
3 during that monitoring study.

4 Q. Thank you, Mr. McNicol. Perhaps it
5 isn't there, Mr. Kennedy.

6 THE CHAIRMAN: Can the question be asked
7 in the absence of a map?

8 MR. HANNA: Yes, it would have helped.
9 It isn't absolutely necessary.

10 THE CHAIRMAN: Okay, gentlemen, back to
11 your post. We are going to fire a question at you.

12 MR. KENNEDY: A number of the maps have
13 been used by other parties. I had thought they had all
14 been returned, or there may in fact be one or three
15 left in our offices.

16 MR. HANNA: Q. I can assure you that we
17 don't have them, Mr. Kennedy. Mr. Multamaki, on that
18 map there was a number of areas designated for chemical
19 tending.

20 MR. MULTAMAKI: A. Yes, that's correct.
21 I think the areas you are referring to were scheduled
22 for heavy mechanical site preparation in conjunction
23 with chemical site preparation; were they not?

24 Q. There were sites of that nature, but
25 there were also sites that were simply chemical tending

1 sites.

2 A. Okay.

3 Q. Now, my question is: Can you tell me
4 what analysis was done through the timber management
5 planning process to ensure that - and I believe they
6 were quite large areas - that these treatments would
7 not negatively impact moose populations now or over the
8 next rotation of the forest?

9 A. Once again that -- I guess the
10 development of that particular prescription for
11 chemical tending was a decision made by the planning
12 team and, in fact, the biologist had significant input
13 into the decision that those areas, in fact, could be
14 chemically tended, and I would expect that they took
15 into account the surrounding vegetation, the area.

16 Q. There is no point speculating really
17 about the answer, I would have to ask the biologist; is
18 that clear?

19 A. I think maybe Mr. McNicol would be
20 prepared to offer a more concise opinion on it.

21 Q. Well, I was trying to ask the
22 site-specific question. In all fairness to Mr.
23 McNicol, if he wishes to answer it without the map and
24 detailed knowledge that is fine, but I was interested
25 in the site-specific considerations that were --

1 THE CHAIRMAN: Well, it is no different
2 than any other decision made in this context, in that
3 you look at a specific site, you have the planning team
4 with the various expertise of the various people,
5 including the wildlife biologist, they assess what
6 activities are going to occur, what methods are going
7 to be used, what chemicals are going to be used - if
8 that is the case - and whether or not it would have an
9 impact on wildlife concerns including moose and
10 application of all the various guidelines, et cetera,
11 and they arrive at a decision.

12 Is that the case, Mr. McNicol?

13 MR. McNICOL: I think you have grasped
14 it, Mr. Chairman.

15 MR. HANNA: Q. My question was
16 specifically what type of detailed analysis there was
17 and if that was documented in the timber management
18 plan?

19 MR. MULTAMAKI: A. Detailed analysis was
20 not documented in that fashion but I know we had, as a
21 planning team, discussed the elimination of competing
22 vegetation as food source for moose and there was a
23 certain amount of concern expressed on the part of the
24 fish and wildlife member and the biologist on the
25 planning team about that.

1 And I should probably point out that in
2 base map 506933, as you have referred to, it's an area
3 that has been operated for a great number of years, it
4 was the first road put into the Red Lake Crown
5 Management Unit into that area, in the early 1960s or
6 mid-1960s, and there was a fair amount of young, medium
7 and older cut-over with a substantial amount of food
8 availability, I guess, to moose populations in the
9 area.

10 It was my understanding that that wasn't
11 a limiting factor and that a spray program, even though
12 it did eliminate some of the competing vegetation, in
13 fact, was not covering all of the areas or even a large
14 portion of the areas that were available as a food
15 source for the animals in that area.

16 Q. And would I find that somewhere in
17 the plan, Mr. Multamaki?

18 A. No. I think where you would find
19 that is in the -- it was discussions that took place at
20 the planning team level. We obviously didn't write
21 down every word that was said at every meeting or
22 every, I guess, discussion that took place between the
23 forester and the biologist.

24 Q. Mr. McNicol, can we continue through
25 here with Mr. Todesco and specifically turn to page 28,

1 and I am looking at Table 1 which sets out the moose
2 habitat quality as a function of soils, site and timber
3 type, fire-age.

4 MR. McNICOL: A. I see it.

5 Q. This author indicates that the high
6 and medium quality habitat is associated with hardwood
7 and mixed wood sites. Does that surprise you?

8 A. No. No, it doesn't.

9 Q. Can we look at page 36, please, and I
10 am looking there at the second paragraph which
11 describes how this analysis should be interpreted in
12 terms of the application of the guidelines, and it's
13 dealing with the high quality moose habitat the M1
14 zone.

15 A. Yes.

16 Q. And it seems to me that this author
17 is concluding that the guidelines should be I think --
18 it's on the next page, at the top of the page he says:

19 "The cut over sizes should be limited to
20 130 hectares maximum."

21 Right at the top of page 37. Now,
22 reading that I came to the conclusion that this author
23 felt that the 260 deviation would not be appropriate in
24 these zones.

25 A. Yes.

1 Q. Mr. Multamaki, can you tell me if
2 this analysis has had any influence on harvesting in
3 the Red Lake Crown Management Unit?

4 MR. MULTAMAKI: A. Yes, I --

5 MR. FREIDIN: Which witness? This
6 direction, referring to what?

7 MR. HANNA: The conclusion in terms of
8 the size of the clearcut.

9 MR. FREIDIN: In the Todesco article?

10 MR. HANNA: In the Todesco article,
11 Exhibit 905.

12 MR. MULTAMAKI: I should point out that
13 the result of this survey have come out in --

14 THE CHAIRMAN: 906, Mr. Hanna.

15 MR. HANNA: Oh, thank you, Mr. Chairman.

16 MR. MULTAMAKI: I would like to point out
17 that the results of this survey have come out in
18 1988-89, so I didn't have access to that or the
19 planning team didn't have access to that during the
20 preparation of this plan.

21 However, I know Mr. Todesco quite well,
22 in fact, he worked on the original pre-fire draft plan
23 as a part of the planning team for the Red Lake Crown
24 and in fact I am fairly familiar with the work that he
25 did with respect moose on the Red Lake Crown and in

1 that pre-draft plan, prior to his moving on, we had
2 discussed moose habitat requirements and so on fairly
3 extensively and the block layout or the distribution of
4 the cut-over and so on was very heavily influenced by
5 Mr. Todesco's work with respect to how cuts were laid
6 out and so on.

7 That in fact, I guess, was a result of us
8 sitting down and discussing how we could, I guess, make
9 the best of both worlds.

10 At that time I didn't have a 260-hectare
11 rule, I had 130 hectares, and that's what Mr. Todesco
12 is referring to there. When we first discussed that
13 the rules were 130 hectares and we were attempting to
14 work around that.

15 And, like I said, I think Mr. Todesco had
16 a fair bit of input into how the allocation took place
17 on the Red Lake Crown Management Unit.

18 THE CHAIRMAN: Excuse me. Was the
19 directive encompassing the 260 rule, what was the date
20 of that, does anyone recall, roughly? Was it last
21 -- it was last year; was it not?

22 MR. MULTAMAKI: Yes, it came out within
23 the last year or so, as I understand it.

24 MR. McNICOL: The spring of this year,
25 Mr. Chairman, '89.

1 MR. HANNA: During Panel 10, I believe,
2 Mr. Chairman.

3 THE CHAIRMAN: I guess what I am trying
4 to establish, what was the date with respect to the
5 origin of the 260 rule vis-a-vis this article?

6 MR. McNICOL: That came after, Mr.
7 Chairman. The 260 rule came after this publication.

8 THE CHAIRMAN: So, in effect, is it fair
9 to read this article in the context of: He is agreeing
10 with what the former rule was, him not knowing that
11 there was going to be a new rule--

12 MR. McNICOL: Oh, right.

13 THE CHAIRMAN: --or directive formulated
14 at the time he wrote the article?

15 MR. McNICOL: Yes, he would not have been
16 influenced by the subsequent decision.

17 MR. HANNA: Q. Mr. McNicol, however, he
18 did conclude that the rule, if we can use that term,
19 that is in the guidelines, 130, could in fact be
20 relaxed in the M2 and certainly the caribou zones?

21 MR. McNICOL: A. Yes.

22 Q. So he did look at the possibility of
23 applying it at different intensities according to the
24 habitat?

25 A. Quite right.

1 MR. MULTAMAKI: A. I should also point
2 out that in fact he had input into that 380 hectares
3 that was in the previous plan as well. Mr. Todesco was
4 a part of the planning team at that point in time, so
5 he did have input into relaxing the 130 rule with
6 justification.

7 MR. GROVES: A. And I might be able to
8 add that earlier draft versions of Mr. Todesco's work
9 was used in the next two management plans that were
10 developed in the Red Lake District. So that work has
11 not gone -- sat on the shelf, it has been actively
12 used.

13 Q. I am sure we are all encouraged by
14 that. On the bottom of page 37, Mr. Multamaki, Mr.
15 Todesco also recommends that in the M1 zone that
16 chemical site preparation be avoided.

17 And when I looked at the treatments for a
18 number of the sites within the Red Lake Crown
19 Management Unit, particularly on his mixed wood sites,
20 there seemed to be heavy chemical treatment on many of
21 them?

22 MR. MULTAMAKI: A. Yes. I think that we
23 showed the possibility that chemical tending would take
24 place or there was a possibility of it taking place on
25 some of the regenerating areas.

1 Q. A large portion of them, those ones
2 of the sort that are described?

3 A. I'm not sure about that because I
4 haven't compared the M1 zone to the harvest to the
5 areas being chemically treated.

6 Q. I think Mr. McNicol has answered that
7 question. I think virtually all of the Red Lake
8 Management Unit, except for the northwestern corner, is
9 M1 zone. So it would apply to virtually the whole
10 timber management planning area?

11 A. Certainly there is chemical tending
12 being, I guess, proposed or we would expect that
13 chemical tending will take place on some of the
14 regenerating areas, but certainly not all. If I could
15 have a moment to check.

16 MR. HANNA: Perhaps while you are
17 checking that.

18 Mr. Chairman, I have got one more
19 question on this subject. We might take a short break
20 and I expect maybe when we take a break -- I have only
21 got a few more questions left and I should --

22 THE CHAIRMAN: Well, why don't we finish
23 off completely?

24 MR. HANNA: Yes, that's probably...

25 Q. Mr. --

1 MR. FREIDIN: Just let Mr. Multamaki --
2 he is looking for something, he wants to answer your
3 question.

4 MR. MULTAMAKI: I was going to point out
5 that the Red Lake Crown Management Unit is
6 approximately 300,000 hectares in size and during this
7 five-year plan period, if you look at Table 4.19 on
8 page 117, we are looking at proposing 2,279 of those
9 hectares for --

10 MR. HANNA: Q. Can you just go slowly
11 there, sorry, I haven't got the page yet.

12 MR. MULTAMAKI: A. Sure. Page 117 of
13 the Red Lake Crown Plan, Exhibit 814.

14 THE CHAIRMAN: What did you say, 300,000
15 hectares or 350?

16 MR. MULTAMAKI: No, it is approximately
17 300,000. The total area of the Red Lake Crown is
18 313,297 hectares in size of which 65,000 is water of
19 course.

20 And if you look on page 117 of the plan,
21 Exhibit 814, that's Table 4.19 which is the forecast of
22 renewal and maintenance operations, there is a figure
23 on the bottom under Maintenance Tending for Chemical
24 Aerial, it's 2,279.

25 In fact, what we are proposing is that in

1 this five-year plan period of chemically tending, less
2 than one per cent of the land base, approximately .75,
3 three quarters of a per cent -- three quarters of one
4 per cent of the land base, in approximate terms.

5 MR. HANNA: Q. Another way to look at
6 it, though, is 33 per cent of the area that's being
7 harvested or 33 per cent of the total area that's being
8 actively dealt with?

9 MR. MULTAMAKI: A. Well, you also
10 haven't taken into account any of the natural
11 disturbances such as fire areas that are regenerating.

12 Q. No, no, I understand that. But I
13 have here a total number of 6,738 hectares being the
14 area that you are dealing with and of those 6,738, one
15 third of them approximately are being chemically
16 treated?

17 A. Yes. If you look at the harvest, the
18 harvest level though is approximately 10,000 hectares
19 of which, let's say, 22 per cent is looked at being
20 chemically treated.

21 I mean, if you want to start comparing
22 numbers, in reality I think it is a truer
23 representation if you were to look at all of the areas
24 regenerating on the Red Lake Crown Management Unit and
25 comparing those areas, the total amount of area

1 regenerating to the amount of area that is being
2 chemically tended. Is that not a truer representation
3 of what's taking place?

4 Q. Well, I don't --

5 THE CHAIRMAN: Wouldn't a fairer way to
6 look at the figures, to do the number crunching thing,
7 is to look at the areas that might be within the unit
8 available for moose habitat--

9 MR. MULTAMAKI: That's exactly --

10 THE CHAIRMAN: --or at least good moose
11 habitat and compare the figures that are going to be
12 chemically tended as opposed to that total area and
13 ascertain whether it is a significant portion which
14 would likely affect the production of moose within
15 those areas, because what we are looking at are the
16 areas capable of sustaining a high quality of moose
17 habitat.

18 And whatever those numbers come out, you
19 could get an approximation of how many hectares you are
20 actually affecting or even potentially affecting.

21 MR. McNICOL: And that, Mr. Chairman, I
22 think as Mr. Multamaki explained, is the kind of
23 thought process that a biologist goes through when he
24 is ascertaining the impact of chemical application in a
25 particular timber management plan.

1 THE CHAIRMAN: Well, even further than
2 that, is it not the evidence before the Board that you
3 are looking at the production of -- or the capability
4 of producing moose throughout the province at a
5 provincial objective level?

6 MR. McNICOL: Yes, that's right. Just to
7 clarify this number crunching exercise, Mr. Groves and
8 I have been busily adding up areas.

9 Of the area that is going to be harvested
10 in the Red Lake Plan for this five-year period, the
11 projection is that 19 per cent of it will either --
12 will have chemical treatment for maintenance or for
13 site preparation.

14 MR. HANNA: Q. Mr. McNicol, I don't want
15 to go into this at this time, but I expect you will
16 agree with me that even looking at those numbers it is
17 by no means that simple; one has to look at the spacial
18 distribution of them in the area and one also has to
19 look at the -- we talked about cumulative effect of
20 that in terms of the whole structure of the forest over
21 the rotation?

22 MR. McNICOL: A. You are quite right.
23 And one of the, I guess, the basic things that we
24 should always be cognizant of is that no matter where
25 you cut the forest in the area of the undertaking, you

1 are always going to produce food for moose.

2 The production of cover, and cover in a
3 timely fashion is something that is not so readily
4 apparent or, perhaps better stated, easily achieved.

5 It doesn't matter where you disturb the
6 forest, you are always going to produce food. Cover,
7 in many areas, could be a limiting factor over the long
8 run. So that also has to be factored into the
9 equation.

10 Q. You can limit food though by spraying
11 with herbicides?

12 A. Certainly. Unlimited spraying of
13 herbicides could limit food.

14 Q. One last question here before I think
15 I will be finished with any questions on the Red Lake
16 Management Plan -- well, yes, I can say the Red Lake
17 Management Plan.

18 Dr. Euler in his testimony in Panel 10
19 spoke about the fact that the Ministry was developing
20 procedures for identifying and delineating late
21 winter -- well, winter concentration areas, and I
22 believe in fact Mr. Kennedy spoke to this matter in
23 Panel 7 and he was making a distinction there between
24 point source information and area information such as
25 winter concentration areas.

1 Now, can you tell me if there has been
2 any progress made in terms of providing direction to
3 Ministry biologists how to define those boundaries?

4 A. I can advise that a habitat inventory
5 committee has been struck. There are going to be four
6 meetings before the end of this fiscal year, one has
7 already taken place.

8 At the end of that period of time we hope
9 to have developed the methodology for the proper survey
10 techniques with regard to early and late winter
11 habitat. Further, we will have, hopefully as a
12 committee, defined what we are or should be looking for
13 with regard to those habitat components, early and late
14 winter, vis-a-vis input into plans.

15 This relates back to some statements that
16 were made in Panel 7 with regard to the necessity for
17 some kind of provincial methodology that should be in
18 place to allow for consistent survey techniques for
19 input into timber management planning processes
20 vis-a-vis moose habitat.

21 Q. In the case of the Red Lake Crown
22 Management Plan, I'm looking at page 17 in
23 particular -- not the plan, Mr. Multamaki, excuse me, I
24 am referring to Todesco's paper, Exhibit 906, page 17.
25 He provides a distribution there of moose and I take it

1 this is taken from winter aerial surveys. Would you
2 expect...

3 MR. MULTAMAKI: A. Yes, I would expect
4 that -- or it is my understanding I guess that they
5 would have been determined from aerial surveys. And if
6 we are looking at the same figure, Figure 11, you will
7 notice that the figures come from the West Patricia
8 land use planning exercise for moose densities.

9 Q. Based on these figures - maybe Mr.
10 Multamaki you can answer this or Mr. McNicol - is it
11 not fair to conclude that, I don't know what shape to
12 call that, but the shape that's just south of Red Lake
13 there, the zone of high density moose, is it reasonable
14 to expect there must be a fair number of winter
15 concentration areas in that area, or would that in fact
16 be a winter concentration area?

17 A. Knowing the distribution, if you look
18 at the high moose density area right in the centre,
19 that's right in the centre of a great deal of past
20 harvesting and, in fact, a portion of it was burned in
21 Fire 14 in 1980.

22 So I'm not sure what conclusion that
23 leads to, but knowing the forest distribution, I don't
24 know if it has anything to do with late winter cover or
25 not.

1 Q. Perhaps you could show it to Mr.
2 McNicol. I'm just trying to figure out how, looking at
3 that sort of information, one would define a late
4 winter concentration area seeing you have a very high
5 density over a very large area.

6 MR. McNICOL: A. First, Mr. Hanna, if
7 you note at the bottom, that information or the date
8 that is displayed on that map are a result of 1978
9 WPLUP aerial surveys.

10 Q. Mm-hmm.

11 A. The densities that are displayed
12 there, I would -- I have some familiarity with the way
13 the densities were derived, and the density information
14 that we see here I think more accurately could be
15 characterized as early winter moose densities.

16 The studies -- sorry, the surveys that
17 were undertaken here were conducted, if I am not
18 mistaken, during early winter and what you see here are
19 concentrations of moose during that period of time.
20 However, where moose are in early winter they are not,
21 I would submit, far away from sufficient late winter
22 cover as well. There are two different habitat types
23 there characterized by different crown closure and
24 make-up of the stands.

25 My point is, the areas that you see moose

1 in high densities during early winter, they are going
2 to be there although darned hard to find in late
3 winter. They will be in the heavy conifer that's in
4 that area.

5 Q. So one would expect, given that moose
6 density, a number of late winter concentration areas
7 within that general area?

8 A. I don't want to get into semantics,
9 but I have a problem with the terminology 'late winter
10 concentration area', and I know we use it ourselves.

11 I'm not so sure that we have such areas,
12 but that's an aside. What you are speaking of; i.e.,
13 habitat that is capable of carrying animals in late
14 winter, yes, I would agree you will find that in those
15 areas or very close to those areas.

16 Q. Mr. Multamaki, these were identified
17 during the Red Lake Crown Management Unit timber
18 management planning preparation, moose concentration
19 areas?

20 MR. MULTAMAKI: A. The habitat
21 characteristics were, I guess, understood and
22 recognized during the planning process. I'm not sure
23 that they were identified. I mean, what you are
24 talking about is ongoing data collection programs. You
25 know, it wasn't specifically done for the Red Lake

1 Crown planning exercise I don't think.

2 Q. Mr. Fleet, I just have a couple of
3 questions for you and then we are finished. First of
4 all - this may have already been dealt with at some
5 point - I know the issue has been raised on a number of
6 occasions, but I think you might be able to clarify
7 this for me, the difference between an advisor and a
8 planning team member.

9 Has that been clearly defined? If it
10 has, you can just refer me to the transcripts.

11 MR. FLEET: A. I think it has been
12 clearly defined by this panel. I don't know where in
13 the transcript, but somewhere in 15.

14 Q. Did you define it, Mr. Kennedy?

15 MR. KENNEDY: A. Yes, I have.

16 Q. Just so I know what name to look for.
17 Thank you.

18 THE CHAIRMAN: All right. Can you define
19 it in two seconds and just save him the trouble of
20 having to search through all of Panel 15's transcript.
21 Can you...

22 MR. KENNEDY: The planning team members
23 would be required to attend all planning team meetings,
24 advisors would be brought in to deal with specific
25 subject areas.

1 MR. HANNA: Q. At the discretion of who?

2 MR. KENNEDY: A. At the request of the
3 planning team.

4 MR. FREIDIN: The evidence also was that
5 planning team members would normally have writing
6 responsibility -- very well have writing
7 responsibilities to the plan, I think was your evidence
8 as well, Mr. Kennedy?

9 MR. KENNEDY: Yes, Mr. Freidin, I was
10 trying to be brief.

11 MR. FREIDIN: I can go on, but...

12 MR. HANNA: I think I got --

13 THE CHAIRMAN: Read the transcript, Mr.
14 Hanna.

15 MR. HANNA: Q. Now, in your witness
16 statement, Mr. Fleet, on page 245 - I don't think you
17 need to refer to it - that is the Wabigoon Forest
18 Management Agreement and the terms of reference for the
19 planning team.

20 And I believe it indicates that the
21 planning review team will in fact consist of the team
22 members themselves plus one advisor. Is this normal
23 practice, to have the plan reviewed by those who
24 prepare it?

25 MR. FLEET: A. That was my evidence,

1 that at the district level the district review is
2 conducted by -- generally is conducted by the planning
3 team. The only difference being that for
4 company-authored plans that member of the planning team
5 would not be part of the plan review.

6 Q. The company forester?

7 A. That's right. And this is the
8 district review. There is also--

9 Q. Regional and main office?

10 A. --regional and main office review.

11 Q. Now, on page 307 of your witness
12 statement, actually it continues over I think some 150
13 pages or so, are review comments regarding the Lac Seul
14 Plan?

15 A. That's right.

16 Q. Now, these comments, as I am sure
17 you're aware, are quite extensive and voluminous and I
18 was wondering, is this normal for most timber
19 management plans?

20 A. Well, first of all, I would like to
21 point out once again that what we have presented here
22 are three reviews of the same timber management plan.

23 The first review dealt with a draft
24 timber management plan which was submitted and
25 rejected, and so there are comments submitted just by

1 the district; then there are comments as a result of
2 the MNR review of the finally accepted draft plan; and
3 then there are a package of comments which would be the
4 final list of review comments which would be the public
5 and MNR list of required alterations.

6 So although there is better than 150
7 pages of comments there, really you are looking at
8 about one third of that, say 50 pages, which is still
9 voluminous. That is not common.

10 We included this as our exhibit to make
11 clearly some points about the rigor and the seriousness
12 with which MNR does take with regard to the review of a
13 timber management plan.

14 If we had taken, if you will, a draft
15 timber management plan review which was submitted as a
16 better plan to begin with, the review would have been
17 significantly shorter than what we have included here
18 and we mightn't have been able to demonstrate our point
19 as well.

20 Q. I take it, though, as a result of
21 this extensive review the Ministry was satisfied,
22 pleased even with the final product that arose out of
23 this exercise?

24 A. We did approve the plan.

25 Q. One last question and I should be

1 finished, assuming the answer is not long, and that is:
2 Through this process, the three sets of comments that
3 were made, I presume there was some impact on the plan
4 as a result of those comments, and I am wondering how
5 the impact of those comments jived with the public
6 consultation process? Do you follow what I mean?

7 A. Yes, I absolutely follow what you
8 mean. First of all, normally there would only be two
9 sets of comments. In this case we rejected the first
10 plan and provided an additional set of comments to
11 allow the company some idea of exactly what our
12 expectations were.

13 In terms of how that review meshes with
14 what we have informed the public of in their role of
15 the public review of the timber management plan, there
16 is a draft plan submitted by the company, in this
17 particular case there is an MNR review of that plan and
18 there is an initial list of required alterations to the
19 plan which are prepared.

20 The draft plan with that initial list of
21 required alterations is presented to the public for
22 their scrutiny for a 30-day period. So they have an
23 opportunity to look at the draft plan and MNR's list of
24 required alterations to it. They are given 30 days to
25 provide additional comments based on what they have

1 seen both in the draft plan and on MNR's required
2 changes to it, then there is -- after that is
3 completed, MNR then takes that list of required
4 alterations, the MNR list, and incorporates those
5 public comments that it has received as a result of
6 that 30-day public review of the draft plan and the
7 Ministry comments and incorporates that into a final
8 list of required alterations.

9 The final list of required alterations
10 and the plan is returned to the plan author, in this
11 case the company. The plan is revised, MNR verifies
12 that the revisions have been made, and then there is a
13 30-day -- the plan would then be approved by the MNR
14 and then there is a 30-day public opportunity for an
15 inspection of that plan with both the public comments
16 and the Ministry comments incorporated into it.

17 For each of those two public portions of
18 the review process, there are the direct written
19 notices, the general notices and the media and so
20 forth.

21 Q. So if I came in with the approved
22 plan and saw that -- I didn't feel my comments that had
23 been given on the draft plan were not adequate, there
24 is a possibility for iteration? That would be where
25 iteration possibly could come in?

1 A. Yes.

2 MR. HANNA: Thank you, Panel.

3 Mr. Chairman, those are my questions.

4 THE CHAIRMAN: Thank you very much, Mr.

5 Hanna. The Board wishes to comment that it found your
6 cross-examination particularly of today helpful.

7 Thank you.

8 ---Whereupon the hearing adjourned at 2:45 p.m., to be
9 reconvened on Tuesday, October 24th, 1989,
10 commencing at 8:30 a.m.

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